



# The Indian Journal of Political Science

## CONTENTS

	PAGE
<b>Political Theory—</b>	
SOCIALISM FOR INDIA—BY E. ASIRVATHAN	1
PROSPECTS OF SOCIALISM IN INDIA—BY B. N. BANERJEE	16
SOME ASPECTS OF SOCIAL LIFE IN INDIA AND SOCIALISM IN RELATION THERETO—BY ANIL KUMAR SEN	25
<b>Political Institutions—</b>	
THE GERMAN IMPERIAL CHANCELLOR, 1878—1910—A STUDY IN THE EVOLUTION OF REAL EXECUTIVE—BY C. S. SRINIVASA- CHARI	35
COMPOSITE EXECUTIVES—FOREIGN EXPERIENCE AND INDIAN CONDITIONS—BY V. K. N. MINON	49
A SUGGESTION FOR WORKABLE EXECUTIVES IN INDIA—BY V. S. RAM AND L. P. CHAUDHRY	55
THE REVISION OF DEMOCRACY—BY A. APPADORAI	62
A SCHEME OF CULTURAL AUTONOMY AS A SOLUTION OF THE PROBLEM OF MINORITIES IN INDIA—BY MOHAMMED ASIF KIDWAI	75
PROVINCIAL AUTONOMY UNDER THE GOVERNMENT OF INDIA ACT, 1935—SOME OBSERVATIONS—BY P. N. MASALDAN	80
<b>Developments in Law, Constitution, and Administration · Periodical Surveys—</b>	
THE WORKING OF THE PUNJAB AND NORTH-WEST FRONTIER PROVINCE JOINT PUBLIC SERVICE COMMISSION—BY VIDYA DHAR MAHAJAN	84
THE FEDERAL COURT AND THE LAW OF SEDITION IN INDIA— BY A. K. MUKHERJEE	94
<b>Review—</b>	
TREATIES, ENGAGEMENTS AND SANADS OF INDIAN STATES—A CONTRIBUTION IN INDIAN JURISPRUDENCE (K. R. R. SASTRI) —BY GURMUKH NIGRAH SINGH	105





# The Indian Journal of Political Science

## CONTENTS

	PAGE
<b>Political Theory—</b>	
DIALECTICAL MATERIALISM—BY BOOL CHAND	205
<b>Political Institutions—</b>	
PUBLIC AND BUSINESS ADMINISTRATION—BY E ASIRVATHAM	222
<b>International Affairs—</b>	
JURIDICAL BASIS OF INTER-STATE RELATIONS—BY T K SHAHANI	230
<b>Reviews—</b>	
WAR AND PEACE IN THE PACIFIC (INSTITUTE OF PACIFIC RE- LATIONS)—BY V. S. RAM	285
EARLY ADMINISTRATIVE SYSTEM OF THE EAST INDIA COMPANY (D N BANERJI)—BY BOOL CHAND	288
MAHMUD GAWAN (H K SHERWANI)—BY B P SAKSENA	289
A NEW SOCIAL ORDER (E ASIRVATHAM)—BY S V KOGKAR	290
GEOGRAPHICAL FACTORS IN ARABIAN LIFE AND HISTORY (INAYAT ULLAH)—BY M H RAHMAN	291
A NOTE	292



# The Indian Journal of Political Science

## CONFERENCE NUMBER

### CONTENTS

	PAGE
<b>Political Theory —</b>	
RAJA SIR T. MADHAVA RAO'S PRINCE	
OR	
THE LAW OF DEPENDENT MONARCHIES—BY S. V. PUNTAMBEKAR	293
THE POLITICAL THOUGHT OF SIR SYED AHMAD KHAN—BY H. K. SHERWANI	306
<b>Courses of Studies in Political Science—</b>	
TEACHING OF POLITICAL SCIENCE IN SOUTH INDIAN UNIVERSITIES (INCLUDING OSMANIA, NAGPUR AND BOMBAY)—BY E. ASIRVATHAM	329
COURSES OF STUDIES IN POLITICAL SCIENCE—BY M. VENKATARAMAIAH	338
<b>Review—</b>	
EDUCATIONAL PROGRESS IN SOUTH EAST ASIA (J. S. FURNIVALL)—BY BANSI DHAR	348
<b>The Indian Political Science Conference—</b>	
REPORT OF THE LUCKNOW SESSION (1943) OF THE INDIAN POLITICAL SCIENCE ASSOCIATION—BY J. N. KHOSLA	350
ADDRESS OF WELCOME—BY RAJA BISHESHWAR DAYAL	355
INAUGURAL ADDRESS—BY SIR MAHARAJ SINGH	358
PRESIDENTIAL ADDRESS—BY G. D. SONDI	360
SYNOPSIS OF PAPERS READ AT THE LUCKNOW CONFERENCE	377
<b>Notice—</b>	411



# SOCIALISM FOR INDIA\*

BY

DR E ASHIRVATHAM,

*University of Madras*

## 1. The Poverty of India.

The appalling poverty of India is a theme too well-known to every student of Indian affairs to require re-iteration. Nevertheless a few basic facts regarding the poverty of the country need to be mentioned in considering the relevance of socialism for India.

Mr M L Darling, I C S, a high government official of the Punjab, writes "The most arresting fact about India is that her soil is rich and her people poor." Mr Purcell M P says "The trouble with India is a stomach trouble." Writing as recently as April 25, 1941, Mahatma Gandhi says "India's millions are becoming progressively pauperised. They are miserably clothed and underfed."

The Rt Hon Mr Amery, on the other hand, claims "India is prosperous. There is more revenue for the Central and Provincial Governments and not only under those Provincial Governments carrying on under democratic institutions but there is a great deal of active social progress going on all the time." Refuting this claim, Sir I I Rahimtullah argues that if income-tax assessment be taken as a clue to India's "prosperity," we find that out of a total of 300 million people in "British" India, the number of income-tax assesseees with an income of Rs 2,000 or £150 per annum and above is the amazing figure of 285,940, which works out at 1/10th of one per cent of the population. It is true that, as Sir I Rahimtullah himself admits, agricultural incomes are not subject to this tax. But the number of actual cultivators with an annual income of Rs 2,000 and more must indeed be small. To quote the same writer again, the number of those who

---

\* A paper submitted to the Indian Political Science Conference, Fifth Session, Agia, January, 1943,

pay a super-tax on incomes of Rs 25,000 a year and above is 4,210, but of this number 2,864 assesseees are Europeans <sup>1</sup>

The average income per head in India has been variously estimated. The Simon Commission estimated that it was as high as £8 a year, while a government Committee of Enquiry in 1931 placed it a little above £3 a year. Dr V K R V Rao in his recent book, *India's National Income* calculates the *per capita* income to be Rs 77.9 per year, while the *per capita* income in England is Rs 1,000 a year. As Dr Rao points out, the figure Rs 77.9 or Re 1 a day for a family of five reveals an appalling condition of poverty and serves to explain the well-known phenomena of the high Indian birth-rate and the high death-rate. Even a bare existence which is difficult on the average earning of 3 annas a day per person is rendered possible by the miserably low standard of life which the majority of our people are compelled to adopt. The fact of Indian poverty becomes still more striking when it is remembered that Rs 77.9 is an average that includes the income of the Prince and the industrial magnate as well as of the manual labourer.

In the light of these facts, it is no exaggeration to say that the Indian is born in poverty, lives in poverty, and dies in poverty. Fortunately for him, through years of passive adaptation, he has reduced his needs to the minimum possible. His meals are few in number (one or two a day) and of the most frugal kind. Meat, fish, eggs, milk products (except perhaps butter-milk), fruits, and vegetables play little or no part in his menu. Rice, wheat made in the form of chapaties, or some other cereals and one or two pulses form his staple food. He cannot afford the luxury of sugar. Even if he keeps milch-cattle, he has to sell the dairy-produce in order to make a living, contenting himself with skimmed milk. His clothing is very scanty and his dwelling place a wretched hovel with little or no ventilation and no scope for privacy. To cook his food and keep himself warm in those parts of India where the winter is severe, he has to depend for the most part on dry leaves and grass, dry sticks gathered from wild shrubs in the neighbourhood which are by no means abundant, and dried cow-dung cakes. His wife and

---

<sup>1</sup> See the author's "*A New Social Order*" (1942) p. 35, Indian Christian Book Club, Madras.

children may wear a few jewels, mostly made of bell-metal or silver, but even such cheap ornaments are not seldom mortgaged to the moneylender. When he falls ill he has to rely upon simple home remedies or upon the quack doctor of the village. If he is persuaded to go to the town or city hospital, the treatment he receives there is not such as to leave a pleasant memory behind.

## 2. The lot of the Peasant.

The bulk of the people live in villages, there being some 7,00,000 villages in India. Despite the periodic migration to the cities to work as factory labourers, domestic servants, rickshaw pullers, and daily labourers, the pressure of the population on land is terrific. Contrary to what happens in the industrial countries of the West, in India the population dependent on the soil is ever on the increase. According to Leonard Schiff,<sup>2</sup> 'while in 1881 51 p.c. lived on agriculture, the percentage rose to 61.06 in 1891 and to 73.9 in 1929'. Vera Anstey writes that while in the West it is usually held that agriculture by itself is not able to support a population of more than 250 persons per square mile, in India large rural districts have an average density of over 600 persons per square mile. This phenomenon is largely to be explained by the fact that, on account of her low political status, India is obliged to supply raw materials to other lands and to import finished goods from abroad. According to the conservative estimate of the Indian Year Book 1942-43, p. 458, over 65 p.c. of the working population of India is dependent on the soil for its principal means of livelihood. Agriculture by itself does not afford the agriculturist or the farm labourer the necessary means by which he can keep body and soul together. Consequently he is obliged to go to towns and cities in search of work, but this migration is only temporary.

If the bulk of the people depend on the soil directly or indirectly for their livelihood, the question which faces us at the very outset is, are the conditions of ownership of land and of work on it such as to promote the prosperity and contentment of the people? If the answer is in the negative, as it is bound to be, should we not discover some other system which would guarantee a

---

<sup>2</sup>*The Present Condition of India*, p. 28



more equitable distribution of the wealth which the cultivator produces? In accounting for the low level of agricultural production, it is usual to throw the entire blame on the ignorance, stupidity, and inefficiency of the ordinary cultivator. But anyone who has watched him at close range is bound to be impressed by his rugged common-sense and infinite capacity for hard toil. Leonard Schiff is right when he says that the Indian farmer is not nearly such a fool as his middle class critic makes him out to be.<sup>3</sup> As he points out, the Royal Agricultural Commission of 1928 has in a number of places in its Report given credit to the Indian cultivator. It says, "In the conditions in which the ordinary cultivator works, agricultural experts have found it no easy matter to suggest improvements." The Commission further pays its tribute to the "hardworking and patient cultivator of the Deccan" describing him as "excellent" and to the Gujarati peasant who is "as efficient as any in the world." Praise is even given to the simple Indian plough and to the Indian methods of agriculture which are not as ineffective and as unscientific as they are supposed to be. The natural conclusion which follows from all this is that the present unsatisfactory condition of Indian agriculture is not the cause but the effect of the peasant's poverty.

The question, therefore, which calls for our immediate attention is the adoption of practical steps for the removal of the poverty of the peasant. There is no doubt whatever that the economic conditions of India are bound to remain what they are so long as the economic policy of the country is determined by a foreign power. But even after such control is removed, there is no guarantee that the lot of the peasant will show a marked improvement. What recent experience shows clearly is that a partial - and for that matter a wholesale - substitution of a brown bureaucracy for a white is no remedy for our political ills. Likewise, to remove foreign control and leave intact the economic stranglehold of the Princes, Zamindars, and money-lenders will not improve matters. On the other hand, there will be a further deterioration in the lot of the peasant. What the present situation, therefore,

<sup>3</sup> *The Present Condition of India*, p. 14

demands is a wholesale change, and not a little bit of tinkering here and a little bit there

The impoverishment of the peasant in the Indian States is too well-known a fact to require comment. Even such an enlightened State as Bikaner spends 32·6 p c of the revenue on palace expenses. In some other States, although the palace expenses shown in the budget may be comparatively low, several items of personal expenditure are charged to the public account under one head or another. It is not conceivable that so long as the Indian Princes are allowed to rule as they do at present, justice will be done to the subjects, particularly to the illiterate peasant.

The Zamindari system of land ownership is another fruitful cause of the utter poverty of the Indian peasant. In his anxiety to set up an indigenous aristocracy which would serve as a bulwark of British Imperialism, Lord Cornwallis transformed the tax farmers or collectors of land revenue under Moghul administration into landlords. Contrasting this situation with the conditions which prevailed in early times, Prof Radha Kamal Mukerjee writes: "The soil in India belonged to the tribe or its subdivision—the village community, the clan or the brotherhood settled in the village—and never was considered as the property of the king."

Whatever services the Princes and Zamindars may have rendered in the past, the system for which they stand is not conducive to social justice. We may devise tenancy and other reforms to safeguard the legitimate interests of the cultivator, but such reforms only touch the surface. The evil is so deep-rooted that nothing but a surgeon's knife can cure it.

Mr Bijj Narain, in his *Indian Socialism* (1937), advances the view that land taxation in India is a direct cause of debt. He illustrates it by the touching story of a Punjabi peasant who had to pay 7 rupees as land revenue and insisted on honouring his debt by selling a small ornament which his child was wearing at the time the demand was made by Government revenue officials. The author further claims that India has exported 290 crores of gold since 21st September, 1931, and that a part of this gold was distress gold sold by the peasants to meet government dues. According to him, the heavy taxation of agriculture is unknown in any civilized country. The

water rates in the Punjab, he claims, are frankly levied as a tax, producing annually over two crores of revenue for general purposes after meeting the cost of the Irrigation department

The other handicaps under which the cultivator labours are well known. His holdings are uneconomic. 76 per cent of the holdings, says Mr Leonard Schiff, are less than ten acres in extent. There is further a dangerous lack of balance between industry and agriculture. As India exports raw products, it is to the interest of the foreigner to keep agricultural prices down, which means a loss of crores of rupees to the agriculturist. Over a good part of India the peasant has to depend upon the vagaries of the monsoon. Although artificial irrigation has been known in India for centuries and great advance has been made in that direction under the British rule, according to Mr Leonard Schiff's calculation, 84 per cent of the total area under cultivation is not artificially cultivated and 35 per cent of the rain water is allowed to return to the sea. In some provinces ancient tanks which fed hundreds of acres have been neglected.

On account of his utter poverty the peasant is in many cases indebted to the moneylender. Very often he has to execute a bond for a fictitious sum of money mortgaging his crops and sometimes even the services of himself and his children in redeeming his pledge although such bonds have been made illegal by recent legislation. Co-operative credit societies organised by the government have not even touched the surface. In the U P till recently even co-operative societies charged an interest of 15 per cent. While England has given huge subsidies to farming, in India, even in famine time, the Government of India lent money at the rate of 7½ per cent to be recovered in two or three years.<sup>4</sup> Unfortunately co-operative societies in India have taken the form of mere credit societies. More useful than these are likely to be societies for improving output, providing new methods of agriculture and effecting sales. Railway freight rates too are unduly high. Mr Schiff observes that between 1929 and 1931 it was cheaper to sell Canadian wheat in the ports of India than the home product. The chief remedy

<sup>4</sup> L. Schiff *The Present Condition of India*, p. 17

for this state of affairs is to nationalise our railways and make the railway machinery in the country itself

### 3. The lot of Industrial Worker.

In spite of India being the fifth largest industrial country in the world, there is no permanent industrial population on a large scale. A good many industrial enterprises have still to depend upon periodical migration from the villages, and when there is a scarcity of labour, and for that matter even during normal times, the factory jobber becomes the chief recruiting agent. Being more than of average intelligence and often an unscrupulous individual, he does not hesitate to fleece the labourer from beginning to end. From the point of view of wages and steadiness of work, the industrial worker is much better off than the peasant but decidedly worse off than his counterpart in the West. The conditions under which he lives are simply wretched. According to Mr. Brij Narain,<sup>5</sup> an enquiry conducted by the Bombay Labour Office in 1921-22 showed that the quantity of food consumed by the industrial workers in Bombay was insufficient. They consumed the maximum of cereals allowed by the Famine Code but less than the diet prescribed in the Bombay Jail Manual. Dr P S Lokanathan writes "The Indian industrial worker is in receipt of wages which are insufficient to satisfy even the primary needs of civilised existence."

The housing conditions are far from satisfactory. A good many are huddled together in single rooms with little or no provision for cleanliness and sanitation or for normal domestic life. A large number of men come to work in factories leaving their wives and children behind, and this results in grave social and moral abuses. According to Mr. Schiff, in 1931 there were 475 women to every 1000 men in Calcutta, 553 in Bombay, and 598 in Cawnpore. The moral restraint of the village not being in operation in big cities, prostitution and venereal diseases are on the increase among industrial workers. There are very few agencies conducting social welfare work among them, planning their leisure and making suitable arrangements for the health, education and recreation of their children. The hours of work and wages, while more

<sup>5</sup> *Indian Socialism*, p. 36.

satisfactory than what obtain in the villages, are deplorable when compared with the western countries. According to Mr Schiff's calculation, in 1929 in Bombay the average wage for 26 days a month ranged from Rs 35 to 60 among weavers, while in Sholapur it was rarely more than Rs 35. The average wage per month for spinners was between Rs 20 and 25. In South India the figures are less, ranging between Rs 15 and 20, while all that women earn is between Rs 8 and 10.

Hours of labour are long everywhere. While perennial factories work ten hours daily and 54 hours per week, seasonal factories work 11 hours daily and 60 hours per week. Even children are made to work 30 hours per week. Only a very small percentage of Indian workers get holidays with pay. Social insurance schemes are few and limited. While the law provides for maternity benefit,<sup>6</sup> employers frequently resort to unfair means in depriving expectant mothers of what is due to them.

The bargaining capacity of the labourer is not equal to that of the employer, with the result that the former is often obliged to make a forced agreement. Up to 1926 Trade Unions were liable to prosecution. Only in 1928 the law recognised their existence. Since the end of the last war labour has been organising itself and conducting

<sup>6</sup> 1 The Maternity Benefit Act

Area Province	Qualifying period months	Maximum period for maternity benefit weeks	Rate of maternity benefit per day
1 Central (for mines)	6	8	8 annas
2 Bombay	9	8	8 annas
3 Sind	9	8	do or average daily wage whichever is less
4 C P & Bihar	9	8	" "
5 Ajmer Merwara	12	6	" "
6 Madras	9	7	8 annas
7 Delhi	9	8	" "
8 U P	6	8	As in Bombay and Sind
9 Bengal	9	8	" "
10 Assam	9	8	" "

several strikes, some of which have been wholly or partially successful. The left wing influence among labourers has been growing since 1929, the Meerut conspiracy trial contributing its share to this increasing influence. During the struggle of 1928 alone, says Mr Schiff, the trade unions recruited as many as 65,000 workers. "The Trade Disputes Act penalised sympathetic strikes and those designed to coerce the government." It forbade the transference of money from one union to another and the cessation from work of those engaged in public utility services unless 14 days' notice was given in writing. One chief difficulty in the successful working of Trade Unions is internal dissension supplemented by sectarianism. Labour has still to learn that in unity lies strength. When labour is disunited or individual workers want to advance their own interests and are prepared even to spy on their comrades, it is the easiest thing for employers to close their ranks against labour and drive as hard a bargain as possible. Literacy among workers, higher wages, and effective schemes of social insurance are absolutely necessary if labour is to stand on its own feet and defend itself.

#### **4. The Lot of the Middle Class Educated People**

If the lot of the peasant and the industrial worker is unsatisfactory, that of the middle classes is not very much better. Education in India has produced expert quill drivers and contentious lawyers, whose economic conditions leave much to be desired. Public services in India rest upon an army of clerks who are paid a mere pittance. While the bulk of them receive a salary which does not go beyond two digits, the salary of the superior public servants easily runs up into four figures. No one who really understands the work of these groups can claim that the salary paid to them is proportionate to the hardness or superior quality of the work done. Salaries in government service are based on false standards. The European official insists on a huge salary in the name of efficiency and honesty, and as a compensation for living and working in an inhospitable climate. The Indian official who has stepped into his shoes in several departments also insists on the same scale of salary on grounds of racial equality. The result is that there is very little left for the army of clerks and others occupying subordi-

nate places. In spite of dearness allowance and other such concessions which have been introduced in order to tide over the present difficulty caused by the war, the lot of the lower middle class educated person is most unenviable. Rules in several departments of government service are so framed as to benefit the ones at the top of the ladder at the expense of those at the bottom. While in England there is a large variety of occupations open to an educated person, the number in India is very small. It is a sad commentary on our times that war means work to thousands of our unemployed and under-employed young men, while peace means unemployment and semi-starvation.

### 5. Where is Wealth Concentrated?

If the lot of the peasant, the worker, and the educated lower middle class is far from enviable, who are the ones who are really well off and who are able to command the material things of life? The first place in this category must certainly be given to the Indian Princes, big zamindars, and industrial magnates. Government servants in the gazetted ranks, military people, and military contractors, especially at a time of war, moneylenders, investors of capital, certain classes of middlemen, and even film actors and actresses are possibly the people who are much better off than the rest of the population. Among the professional people, those who have built up a name for themselves in law and medicine earn large sums of money. But the bulk of lawyers and a good many doctors are not among the affluent. The fact that there is no compulsory age of retirement among lawyers and doctors makes it very difficult for able young men to climb up to the top of the ladder within a reasonable length of time.

### 6. Distribution of Wealth.

That wealth in India is unevenly distributed is an undisputable fact. According to the calculations made by Dr P. M. Titus, 5 p.c. of the population of India own 35 p.c. of the national wealth, another 35 p.c. own 35% of the wealth, and the remaining 60 p.c. of the people enjoy 30 p.c. Till recent years the Hindu joint family system, in spite of its obvious defects, was a safeguard against poverty. But that is breaking down fast. As a people we are fast becoming individualistic, and it

is not possible to stem the tide. The average person to-day is interested in promoting the welfare of his own immediate family and is not prepared to share his earnings with his brothers and sisters, nephews and nieces or cousins. As India becomes more and more industrialised and falls in line with the development which has taken place in the West, individualism is bound to become strongly rooted, unless we counteract it by structural changes in society.

The question which thrusts itself to the forefront, then, is: can we do anything at all to avoid the evils of capitalism and plan the economic life of the country on the basis of social welfare? The first consideration to be borne in mind in answering this question is that till India becomes politically free, there is no way by which she can order her own economic life. It would, therefore, seem that our first duty is to secure the independence of the country. But that in itself will not give us economic justice.

Some argue that what we require immediately is increasing the productivity of the country. To this end they advocate the rapid industrialisation of the country, the shutting out of foreign goods which seriously interfere with home production, and the imparting of scientific and technical education to our children which will increase their earning capacity. All this will no doubt add to the national production, but the question of vital importance is, what about distribution? National wealth apart from individual and social welfare has no meaning whatever.

The excesses of capitalism can be overcome by providing equal opportunity for everybody as far as practicable. This will mean among other things the provision of free and compulsory education—at least in the earlier stages—a graded system of taxation so that the incidence of taxation will be more upon the rich than upon the poor, and the provision of a minimum wage. By schemes of compulsory saving, social insurance, thrift and the like it may be possible to enable every individual to become a small property owner, even as England has been doing in recent years. But all these steps are only of an ameliorative character. They leave the main problem of Indian poverty untouched. They offer no solution to the unearned wealth of those who are now living on the fat of the land. The



starting point of any sound social order is "if any would not work, neither should he eat". This means not only that there is no place whatever for social parasitism, but also that everybody who is able and willing to work should be able to find work. And work should provide a person not only a living but also a life, *i.e.*, to say he should be able to give full expression to the best in him through work. Work should be a source of genuine enjoyment to the worker, providing him with ample opportunity for the expression of the creative impulse in him. Besides, if a man is to apply himself wholeheartedly to his work, he should be free from all external worry and undue care. He should have the necessary facilities for the building up of a home which is the basis of any enduring civilization, for the proper care and training of children, and for the taking care of himself in old age. Furthermore, opportunities for refinement and culture should be within his easy reach. When he falls ill he should be able to get the services of the best possible medical man available without much cost to himself. When he dies, it should not be possible for him to leave such a large inheritance that the inheritor is freed from the necessity of working for himself. At every stage in the economic ladder, exploitation should be eliminated—whether it takes the form of the exploitation of the poor by the rich, of the employee by the employer, of the illiterate by the educated, or of the people by public servants.

How can all this be ours? Some argue that we should restore caste to its original form of an occupational group. In this neo-caste system everybody will know his place in the economic life of the country and will do the work attached to that place. He will have the traditional skill of ages behind him to do his work well and efficiently. There will be no competition either with those outside the caste group or within the caste itself. Wages will more or less be fixed by the caste guild which will also look after the general welfare of its members.

All this sounds plausible on paper, but is not likely to work satisfactorily in practice. It may work well in a comparatively undeveloped society where there are only a few broad categories of occupations. But in modern society there is a high degree of specialisation, providing for an endless number of occupations. Therefore, if each occupation is to become the monopoly of a single caste or

sub-caste, we shall require an endless number of castes and sub-castes, resulting in the atomisation of society. Further, the assumption that acquired characters can be transmitted is an exploded scientific theory. Even if caste be justified on economic grounds, the social disunity and disruption to which it leads is more than enough to condemn it.

Those who believe in the Gandhian economy argue that the revival of cottage industries together with the nationalisation of heavy industries is the key to the solution of our economic problem. They set their faces against mammoth production whether it is undertaken by individual capitalists, corporations or the State. Such production to them means exploitation of one kind or another and the curbing of individual personality. Man, they argue, realises himself through work as much as through leisure. The instinct of private property, too, is strongly rooted in him. Therefore, it is said, that we should make it possible for everyone to be engaged in a meaningful task, freeing him from every form of exploitation. There will be no middlemen and moneylenders, nor will there be the exploitation of the individual by the State for the sake of its glory. Decentralisation in production and Swadeshism in consumption are its watchwords. There will be no foreign trade until the civic requirements of all the people are adequately met. Heavy industries and public utility services such as railways, the motor car industry, electric power, and mines will be nationalised.

There can be little doubt that the Gandhian economy offers a *via media* between extreme individualism and extreme socialism. But the programme which it advocates, while offering a valuable interim programme, especially in our contest with Great Britain, is not in keeping with the spirit of the times. Large-scale production is bound to come about whether we like it or not. Therefore, our chief concern should be to make it as serviceable as possible to the community and reduce to a minimum opportunities for exploitation. An intelligent system of world planning should plan for the village and the State as well as for the entire world. In other words, cottage industry, national industry, and world industry should all be dovetailed into each other. For this purpose it would look as though a socialistic state with a socialistic economy will be much better fitted than almost any other form.

Extensive schemes of social reconstruction and agricultural research which have been the fashion of the day for some years in India have not solved the problem of mass poverty. According to Mr. Brij Narain, Government's rural reconstruction programme is a joke, inasmuch as its chief object is to divert attention from the grievances of the cultivator against high taxation. It has not relieved the pressure on the soil. What is wanted is a change of system or a more evenly balanced economy.

If mere schemes of rural reconstruction are unable to solve the problem of mass poverty, so are schemes for the amelioration of the conditions of industrial workers. India is a thickly populated country and does not have the resources of an empire to fall back upon. Consequently, solutions which may suit countries like Canada, the U S A or Great Britain cannot very well suit us. Besides, the bulk of the people are illiterate and are victims of long years of inertia. Therefore, it would appear that the State will have to take the initiative in re-ordering the lives of people if social justice is to be secured.

Whether the end in view can be realised by peaceful means is a mooted question. It is a well-known fact that people do not easily give up their property or any of their vested interests. Machiavelli was right when he said that man much sooner forgets the loss of his father than the loss of his patrimony. This being the case however much we may detest it, it may be that pressure of some sort will be necessary before socialism can be fully realised. Ever to-day, owing to the exigencies of war, we are placing ourselves under the discipline of a system of rationing as regards articles of food and the ordinary amenities of life. It may be that this discipline can be extended to cover the whole of life even during times of peace.

In preparing the ground for the social welfare state of the future, we may begin with the nationalisation of railways, mines, heavy industries and large factories. Land too may be nationalised, the State undertaking large-scale collective farming wherever possible. Elsewhere limited acreage of land may be leased to individuals for a fixed period, taking care to see that they do not use outside labour with a view to exploitation. A careful planning of the economic resources of the country should be undertaken together with carefully planned work for every member of the community. The unemployable should be

separated from the unemployed, making suitable provision for the care of these categories. A civic minimum should be provided for everybody below which nobody should be allowed to fall. Likewise, there may be a civic maximum. There should be a progressive system of taxation which would enable the State to extend to the under-privileged the benefits of the social service State—such benefits as State medicine, State education, State libraries, State research stations, State parks and the like. Bequest and inheritance should be strictly limited. Our motto should be “private property small, common property large.”

A State of this kind cannot be brought about by the mere fiat of the State. It calls for a very high degree of moral enthusiasm and spiritual earnestness. It also calls for a high order of intellectual attainment, since many of us are so constituted that we can see vividly our immediate good, but a picture of the ultimate good is often blurred. In working out a programme of the kind sketched, we shall range against ourselves all the vested interests of the country—Princes, Zamindars, and other landlords, industrialists, government servants in the upper cadres, moneylenders and those who live by profit, interest, rent or dividend. But a government which knows its mind, which has the courage of its convictions, and which is able to instil its enthusiasm into the people can do a great deal in bringing about the socialist state.

To a country which has been sapped of all its energy and initiative by years of foreign rule, and is sharply divided by distinctions of caste and community, socialism seems a way out. It offers a common platform on which men and women of good will can meet and work together for a common end, leaving behind differences of race and religion. It can promote the national unity and self-respect of India, as nothing else can. It can also enable India to link itself up with countries like China and Russia which have social and economic conditions similar to those of India, laying the cornerstone for an effective world federation.

# PROSPECTS OF SOCIALISM IN INDIA\*

BY

PROF B N BANERJEA,

*Calcutta University*

Socialist theories have assumed variegated patterns according to local circumstances and differences in the fundamental approach. A catalogue of the brands already in the market is not only confusing but most of the listed varieties have not yet been standardised or practically tested. In India also we have, apart from the imported varieties, local adaptations and even indigenous varieties, which are paraded from time to time. We might approach our subject, therefore, from two angles—(a) What socialist theories do *not* stand for and how far these *negations* are applicable to India, and (b) What particular and general doctrines of socialist '*musts*' are likely to flourish in India, and these again under what conditions. It is a vast, analytic study which must precede a scientific discussion of the subject proper, and in the absence of the preliminaries the conclusions are only of the suggestive and tentative category.

## **The 'No'-es of Socialism.**

In as much as socialistic doctrines aim at overthrowing the present structure in essentials and claim to be revolutionary, as contrasted to evolutionary Fabianism, they must go at certain essentials of the fabric of the socio-economic order of to-day. The first of them is capitalism, which for political purposes has also secured the coercive machinery of the bourgeois state as its auxiliary. Politically, therefore, the overthrow of the capitalist state is the essential prelude to a socialist order. According to Marxist interpretation, this overthrow is almost inherent in the capitalist system itself, though the Russian example has brought into relief the possibility of shortening the process as a result of organised pressure.

A paper submitted to the Indian Political Science Conference, Fifth Session, Agra, January, 1943

under communist leadership, given an accommodating conjuncture. The primary of the economic factor, in the plurality of forces in every historic causation, is emphasised by the Marxist<sup>1</sup>. Is the Indian economic scene suited to staging a socialist *coup* or adaptable to the planning of socialist society? An answer to this involves a knowledge of the changes in the structure of Indian economy, the new methods of production and consequential reactions on the class-nexus, which unfortunately we do not possess.<sup>2</sup>

I do not place too much emphasis on the obstacles arising out of the feudal character of our society, landlordism or the socio-economic attachments of the so-called village guilds or caste-guilds. All of them have already been seriously undermined by administrative, legal and popular reformist onslaughts on the one hand, and the more important and all-pervasive inroads made by the competitive money-economy and the capitalistic commercial calculations. Feudalism, landlordism and village community-life were all based on partial and limited exploitations of aspects only of humanity. The more organised exploitation of capitalism (flourishing without many of the usual hindrances in free countries) has utilised them in a colonial atmosphere in the interests of 'high finance,' administration and the protection of indigenous proteges. It may not be unreasonable to expect that the powers of resistance of the three institutions would be much less elsewhere, if there is a determined set of rules seek to enforce an ideology to carry this exploitation a stage further in the interests of 'the masses' and one should not forget that if capitalist compromises in self-defence are possible so are socialist compromises in non-essentials, as evidenced in the U S S R.

Unfortunately, capitalist development *in excelsis* is only noticeable in certain urban centres only and the paraphernalia of capitalism triumphant, *viz*, technical and

---

<sup>1</sup> I am accepting the original identity of socialism and communism, the later distinctions having arisen as a result of the emergence of working-class parties in European countries. Cf M N Roy's *Gandhism, Nationalism, Socialism*, (Calcutta, 1940).

<sup>2</sup> Not even basic information as to allow us a statistical evaluation of the very limited variety as given in Appendix III to E F M, Durbin's *Politics of Democratic Socialism* relating to Britain.

scientific materials, including men, in abundance, exists to only a small extent. The socialist's task in ushering in a revolution is thus beset by the absence of the outlook generated from frustration in large masses of people, and in reconstructing society by the antiquated materials which need complete re-fashioning before any worthwhile planning capable of producing any concrete results may be thought of. As in the rest of the world so in India, there are the growing factors of unemployment and under-employment in both rural and urban areas. There is the large number of educated middle-class people who are actuated by disappointment to adopt the slogans of class-war instead of drifting to a lower class-stratum, there is the political urge for a radical change, howsoever confused and inconsistent it may appear. These are unfortunately, to the student of contemporary developments, both the symptoms of a *fascist* or a *anti-fascist coup* for not only these but also the factors of feudalism, communalism and neo-capitalism clever aim at a distortion of the crucial angle of vision for securing a fascist regime. As in the world of to-day and to-morrow, so in India, thus the prospects of socialism are faced with the lurking menace of fascism.

### **Nationalism and Socialism in India.**

This brings us to the other *bete noire* of socialist tradition the emphasis on nationalism and national unity which has betrayed the social democratic parties of Europe to the embrace of fascism. To the socialist disillusioned by the experience of the failure at capturing the state-power through parliamentary majorities in Germany, England and France, the capitalist state should be first attacked and destroyed, before the abolition of the capitalist system and its replacement by a socialist order. Is it, however, necessary that in the context of the colonial status of India, nationalism must triumph in freeing India from foreign domination, before the socialist ventures out in his enterprise? Shall the *facade* of national unity be maintained till then? That is an argument which is very popular in certain intellectual circles in India but one should remember that the doctrine of nationalism, it is apparent to-day, can be used not only to buttress imperialist stranglehold on the colonies of a country, not only to rouse passions to be ultimately consumed in the service

of capitalist lords and masters pulling the wires of international politics, but also in adopting the basic doctrine to totalitarianism which would ultimately result in robbing man of his dignity and freedom. The myth of national unity and national interest is the chief prop of Fascist ideology and propaganda and to the socialist the retort usually comes to mind *unity for what?* Interest of which *groups* in the nation? The foreign domination of India was made possible and is strengthened in India by the existence and cooperation of certain social forces, cooperation with whom, except for opportunist purposes, will be tantamount to jeopardising the success of socialism when national freedom comes. Undoubtedly, there are socialist elements in the nationalist ranks who obviously have the belief that when the question of wielding power arises among the classes in India, the socialists would be strong enough, if not physically at least tactically, to capture power. I submit that those nationalists in India have not seriously taken to thinking on orthodox socialist lines in the matter. Take for instance the following from a note by the Chairman of the National Planning Committee, Pundit Jawaharlal Nehru<sup>3</sup> —

“As we have proceeded with our work, it has become abundantly clear that any real planning requires co-ordination between all sectors of national life. This, in its turn, requires the control of the community in all these various sectors. There has been much discussion as to the extent of this control, but a measure of control is inevitable.

“Thus, whatever the avenue of approach has been, we have been led to a rapid increase in the socialisation of national activities and *state* control. Our general objective, which emerges from this is one of a socialistic planned structure run by the community for the benefit of the community.”

Pundit Nehru's ability to string phrases and his zeal for “socializing our national life” notwithstanding, (and ignoring the fact that his note was hardly representative of the mind of the members of N P C not to speak of a wider circle of his supports, as evidenced from the pub-

<sup>3</sup> *National Planning Committee* No. 4 (October 1940)



lished report of some of the Sub-Committees) one can easily find the programme and plan worked out even in a totalitarian India of the future. Jawaharlalji is himself conscious of it when he notes that "even so-called democratic states engaged in the war have adopted, under stress of circumstances, a totalitarian economy with strict state control of production, transport and distribution," which cannot be given up when the war ends. It would be no wonder if, when there is a 'national' government based on a compromise between the various groups and organizations in the country, they work up the N P C recommendations and give effect to the Karachi Congress postulates of 1931. Just as Bismark sought to take the wind off the sails of early Marxists by his social legislation in Germany, similarly in an era of prosperity under the age is of a nationalist *bourgeoisie* government, socialism may well suffer an eclipse,<sup>4</sup> if it can withstand annihilation.

Leaving aside the controversy whether a transfer of state-power to the Indian *bourgeoisie* may bring about conditions favourable to the emergence of a socialist state or not, we turn to the theme whether Indian nationalism, as seen through its exponents in the ranks of various organisations, has possibilities of giving effect to the socialist thesis of the replacement of the present government by a socialist one. My evaluation of the situation is that the vested interests of the upper classes in India, their control over nationalist organs of expression of public opinion, the attitude of the middle class people who form the backbone of these organisations, and the chaotic shepherding of the 'proletarian flock' and above all the leadership cult in all stages and groups of political activity make the prospects of scienti-

---

<sup>4</sup> Also cf. "Through the 'fifties' Ernest Jones, at the head of what was left of the Chartist movement, had vainly preached to the workers an increasingly Socialist gospel. Influenced by Marx and Engels, he went on trying to stir the fervour of revolution in the minds of the workers. But few would listen to him. The British workers, escaping out of the acute miseries of the Hungry forties into a somewhat kinder world were not interested in Socialism or Revolution. For as long as British capitalism could maintain its prosperity, and throw to the workers an increasing number of crumbs from the rich man's table, the demon of British Revolution, had been put safely to sleep." G. D. H. Cole *British Working Class Politics*, p. 23.

fic socialism flowering within the nationalist fold seem altogether blank <sup>4a</sup>

### Democracy and Socialism.

Finally, we take up the relation of socialism to democracy, to which lip-service is paid by almost all the groups in India. The philosophical school of nominalism believes in the sole reality of physical particulars and discountenances the reality of generalities. While democratic practice has largely been based on the postulates of nominalism, believing in the individual citizens as the only reality, socialism bases itself on a faith in the reality of social organisation. Historically, democracy and individualism have been contemporaneous trends of thought as both represented the revolt against *etatism*. Economically, *laissez-faire-ism* also became associated with democracy, and hence the contention that "democracy started badly in modern times by serving as the instrument of a single social class and thus also by assuming at its foundation on erroneous metaphysics" <sup>5</sup>

A similar predicament is noticeable if Gandhism is discussed in relation to socialism. An able exponent of Gandhi's doctrines has remarked that "Gandhi is characteristically Indian and individualistic

All his plans of social and political reform are so designed that men can work them either in company or alone, and more perfectly alone than otherwise. We may characterize the difference between Lenin and Gandhi by saying that the former builds his hope upon man as he actually is in the large majority, while the latter upon what it is possible or what it is desirable for him to be" <sup>6</sup> Gandhi, along with a large number of liberal thinkers in this country, looks upon "an increase in the power of the state with the greatest fear, because,

---

<sup>4a</sup> The implicit possibilities of socialism are not being denied by the writer. Only in the present context of group, with the working-classes so much in the background in contemporary Indian Society, is socialism being discussed here. In the absence of industrialisation and a keen feeling for a socialist society, not as a desirable utopia, but as a necessity, there is neither the psychological, nor the historical, and certainly not the economic basis for the advent of socialism.

<sup>5</sup> *Positive Democracy* Fiebleman

<sup>6</sup> *Studies in Gandhism* N. K. Bose, p. 108.

although while apparently doing good by minimising exploitation, it does the greatest harm to mankind by destroying individuality, which lies at the root of all progress''<sup>7</sup> In fairness to Gandhi, it must be noted that as an ideal he believes in non-possession and non-violence, and is in ultimate analysis an anarchist, in whose ideal state there is no political power, because national life becomes so perfect as to become self-regulated<sup>8</sup>

Formal and nominalist democracy, however, is no longer a basic condition of a socialist society. The dictatorship of the proletariat is bound to be a little intolerant and its replacement, after fundamental deflecting influences have been removed, by a new type of democracy has proved indeed a difficult consummation in U S S R<sup>9</sup>. The theory of the class-war should, however, culminate in a proletarian democracy, where there may be certain traits of anarchism but only after a long spell of the expansion, intensively and extensively, of state control. In India parliamentary democracy is regarded as the last word in the evolution of the democratic process that illusion is being challenged by the exigencies of the conflicting challenges for composite and coalition cabinets, irremovable executives, disproportional representation of minorities, limitations on the legislative power, etc. But the socialist challenge is more fundamental and the socialist solution also. Indian leaders of constitutional agitation have not yet grasped it, except certain spokesmen of the left who had been asking for the constituent assembly as a forum and occasion for the propagation of the cult of socialist Sovietism in constitutional practice. Socialism has not survived in democracy as understood so long but "the survival of democratic principles in socialism, on a scale never hitherto envisaged, and with the addition of political liberties, economic rights, and the democratic party system, is entirely possible"<sup>10</sup>

<sup>7</sup> Vide, *Modern Review*, October, 1935

<sup>8</sup> *Young India*, 2. 7 1931.

<sup>9</sup> For a critical survey *U S S R Its Significance for the West* (Gollanez) is useful

<sup>10</sup> Fiebleman op cit, p 249

### “Indian” Socialism : Socialist “Pakistans”?

Finally, something ought to be said about the doctrines of Indian socialism propagated from two extremes, for instance, by Babu Bhagwan Das and Prof Brij Narain. The elements of indigenous socialistic doctrines and practice, however, are little related to the variety of Western Socialism which this paper seeks to dilate upon. Prof Brij Narain<sup>11</sup> on the analogy of the enunciation of German Socialism by Werner Sombart pleads for the development of an Indian Socialism “aiming at a just distribution, and a planned production of wealth under given Indian conditions”. He has no use for international socialism which stands for “the brotherhood of peasants and workers of the world,” and seeks the enthronement of “class unity, nationalism, a strong and powerful state which will never wither away”. He does not want the masses of India, illiterate and ignorant, to exercise political sovereignty, but wants the leadership principle in action on rational (not religious) lines. Finally, he is keen on India cutting herself adrift from western democracies and to “find honour and equality” in an Eastern Federation, with China and Japan, particularly the latter, giving a helping hand in showing the way to India out of her difficulties.

One wonders if the Professor’s voice has other echoes but it is apparent that neo-capitalist or neo-socialist or practically socialist approaches to Indian problems will naturally be more acceptable to the dominating groups and classes in Indian economic and political affairs to-day. Therein lies the danger to socialistic development in India. Before the Indian scene is ready for socialism, world-forces are forcing issues and newer and more powerful contests of rival ‘isms’ are likely to appear. The burden of tradition and the pull of anti-socialist ‘reactionary’ forces apart, sociologists would recognise that socialism of the Third International would have little chance of application on an all-India scale.

This leads to a consideration of the question of possibilities of modified and short-circuited socialist ventures under provincial autonomy in certain provinces, where incipient agrarian revolt or urbanism accompanied

---

<sup>11</sup> Cf his brochures *Indian Socialism* (1937), *Charkha, Marxism, Indian Socialism* (1941), esp ch III,

by a growing industrial proletariat might furnish the economic and psychological, and electrification the immediate spur to the capture of power by socialist groups, if they agree to rally together and give up quarrelling over minor differences, in the face of a fascist regimentation which might mark the *Central* Government in India, howsoever shorn of power and jurisdiction by a Constitution Act. That is the *raison d'être* of clothing the units with large powers in India, and as a result of localised "revolution," Marxism on a minor key might be practised in the "Socialist Pakistans", *e g*, in U P and Bihar, gradually being electrified and the provinces of small "Kulak" Zemindars, in Bombay and Bengal possibly after certain further redistribution of areas and demonstrative upheavals, in the provinces of the North-West of India after redistribution of territories and as a result of impact of Soviet propaganda, and in certain States of India after large changes. But these prognostications are conditional upon the shape of things to come in the international sphere, without a clearer picture of which prophecies relating to the near future are bound to be characterised as "wishful thinking."

## SOME ASPECTS OF SOCIAL LIFE IN INDIA AND SOCIALISM IN RELATION THERETO\*

BY

MR AJIT KUMAR SEN,

*Dacca University*

In this very brief paper we have taken the theme—Socialist theories and their applicability to India—in three different senses

(a) The social life of India in the broader sense might be studied as a background and to find out if it suits as a good background to the introduction and institutionalisation of socialism. For example, in Russia before 1917, the practical non-existence of a strong middle class served as a suitable background for the emergence of socialism there. Or the existence of a strong agricultural middle class in Bengal due to the peculiar nature of land tenure might not offer a fertile soil to the seed of that type of socialism based on the class-war theory.

(b) In the second sense, the approach is a bit different. The solution of India's constitutional problem—including the problem of federalism, Hindu-Muslim-Sikh problem, Pakistan, depressed class and the like—may be so very urgent and so much desired, that this urgent objective will need the introduction of socialism, provided it can be shown that only socialism offers a good solution to India's constitutional problem. The standpoint, in simple language, implies that a strongly desired *end* can only be realised by the application of socialistic *means*. This line of approach will be briefly discussed towards the end of this paper.

(c) In the third sense, there is no question of background as in (a), nor any question of end or ideal involved as in (b). If all human beings are moral entities and if socialism is grounded on highest moral values of humanism and brotherhood, if it is ushering in "a new

---

A paper submitted to the Indian Political Science Conference, Fifth Session, Agra, January, 1943

civilisation" in this world, then socialism becomes universal in human society and as such a postulate and an end in itself for all of us

These three different lines of approach might be developed fully but we, in this brief paper, will touch briefly upon some aspects of (a) and amplify what we mean by the second (b) line of approach

As we analyse the background in India suitable for reception of socialist doctrines, we will not generally take any narrowly economic background our standpoint mainly will be broadly social or socio-economic For example, we will not dilate upon the oft-repeated socialistic thesis that a highly industrialised country will fall an easy prey to the socialist vampire and like 'Another limiting factor is that the discussion will only take into account the broad features—institutional and ideological—of Hindu social life The writer's ignorance of non-Hindu social life is mainly responsible for the above limitation

It will be convenient for us if we admit the broad fact, that Socialism—a simple word—is the Hydra of political economy, a many-headed concept As the blind men in the fable describe differently the same animal elephant, so, socialists are state-socialists or anarchists, they are advocates of producers' control or consumers' control or both, they are monists or pluralists, some believe that "force is the midwife of society," others denounce violence In short, the common basis amongst socialists is their insistence on social—not individual—control of production and distribution of wealth with a certain bias towards equitable distribution the agency of social control assuming diverse forms—state, municipality, syndicate, guild, etc In short, socialism like democracy is an idea and the idea clothes itself in many forms according to the time and place

In the many-headed concept of socialism, the idea of Planned Economy probably occupies the foremost place The economic system of Soviet-Russia is planned "in the interests of increasing the public wealth, of steadily raising the material and cultural standard of the working people, and of strengthening the independence of the U S S R and its capacity for defence" (Art 11, Ch I, of the Soviet Constn) Really this economic planning involves comprehensive social planning And this comprehen-

sive planning is the very antithesis of economic individualism. Piecemeal restrictive planning is no doubt being incorporated in the capitalist structure based on economic individualism, but real, comprehensive, inter-industrial planning lies at the basis of socialism. The idea of a really planned economy is socialistic, though non-socialistic countries are toying with the idea of planning. Socialistic planning emphasises the problem of equitable and better distribution. Without entering into the economics of planning—our method of approach is not narrowly economic—we may put forward the view that the Hindu institution of *varnasrama dharma* aims at planning the life of the individuals and the various social groups in such a way that individualism and negative conception of liberty are at a discount. In India, a large majority of population is Hindu and of that, most live in rural areas, where, even now, cultured leaders of society, seemingly orthodox, swear by the ideal of *varnasrama dharma* even though, many of them, may have strayed from the ideal path, like those democrats who swear by the ideal of democracy, but actually are guilty of undemocratic acts. *Varnasrama dharma* really means *asrama dharma* and *varna dharma* or the (a) rules or dharma or duties pertaining to the different stages of one individual's life in such a way that an individual's life is planned from beforehand and no individual is allowed the liberty to experiment. He is not allowed to marry when he should remain a student, he is not allowed to remain a bachelor for any length of time, nor should he mix intimately in social matters when his duty is to remain in a position of detachment and from that vantage ground can offer sound and disinterested advice when asked for. This is how the life of an individual is divided into four *asramas* or stages. This is a permanent plan of human life which takes into account the instincts and emotions of life, which socializes the individual in the first two stages and makes him realise his individuality completely in the fourth stage by giving him opportunity in the third stage. (b) The second category *varna* implies the grouping of individuals on the joint basis of (i) temperament or disposition or *guna* and (ii) occupation or mode of life or *karma*. On this basis, four main groups or *varnas* are universal phenomena, and the result is a society of Brahmins, Khattryias, Vaisyas



and Sudras. The inner disposition and the outer occupation go to determine the *varna* of an individual, and, with it, the duties or *dharma* pertaining to that *varna*. These duties are eternal and universal. The whole social life or, economy in the broader sense, is thus planned beforehand. (A similar differentiation of social classes on the basis of inner disposition—rational, spirited and sensual—has been attempted by Plato.) This conception of planning the individual's life by stages (*asrama*) and the conception of social life on the basis of planned, co-ordinated groups (*varna*) into which, on the double basis of disposition and occupation, all the individuals can be divided, is the most important thing to be grasped. There is to be no anarchic individualism, for plan and atomic individualism are incompatibles. Again, such a plan is not purely logical, because it takes into consideration the complexities of human nature—it assumes that all men do not stand on the same pedestal, some by reason of their heredity, station, environment and the like are fit to be grouped into one *varna*, while others, because of their spirited or saintly or sensual disposition, may be grouped otherwise. Of course, there is a certain inter-relation between the inner disposition and the outer vocation. And any scientific human grouping must take into account the above two factors. To the extent that this planned life is based on a thorough grounding of the laws of human nature, to that extent this *varnasrama* planning can be called scientific. The planning of the *varna dharma* rests on the twin pillars of human psychology and social efficiency. An individual, who, because of heredity, tradition, environment, has got spirited disposition should be classed in the Khattriya category, whereas one having an excess of saintly or *Sattvic* disposition should be a Brahmin and not drafted in the military service. This sort of grouping promotes social welfare, because each *varna*, being called upon to perform its allotted duties, will perform them efficiently.

To the extent that this *varna* conception rests on occupation or mode of life, this may be equated with the modern conception of function. A society of four main *varnas* including many sub-*varnas* is, therefore, a functional society. The four main functionaries are Brahmins as philosopher, priest, scientist, jurist (knowing function), Khattriyas as administrator, soldier, protec-

tor (political function in the narrow sense), Vaisyas (wealth-producing or economic function) and Sudras or manual labourers. The Vaisya *varna* has numerous sub-*varnas* under it, this is obvious in modern times when economic groupings are numerous. This is the reason why many sub-castes in Hindu society are mainly economic or wealth-producing guilds. The Vaisya *varna* with its sub-*varnas* is mainly a wealth-producing guild—charged with the duty of keeping the governmental treasury replenished and charging a handsome commission for discharging this important economic function. The Khattriya *varna* has its own administrative function to discharge and the Brahmin *varna* financially helped by others for its livelihood cheerfully shoulders its *dharma*. And Sudras, the unskilled manual labourers, are general assistants and servants to all. Do we not here get a glimpse of a society based on guild idea. In the *varnasrama* structure, the state idea is not very prominent, it is a pluralistic society, hence any scheme of collectivism or state socialism will not harmonise with it. Again, a *varnasrama* society is a functional society with the functional *varnas* working like guilds. Hence any scheme of socialism grounded on theories of class-war will not be compatible. This is the reason why syndicalism and communism have not, as yet, found favour with English Socialists, they are either Fabian socialists in their actions or guild socialists in theory. Taking the Hindu social structure of *varnasrama* as our background, we may conclude by saying that modern guild socialism and not collectivism or syndicalism will square with it.

Social control of wealth production is not so much socialistic as social control of distribution—specially equitable or equal distribution. Equal distribution of wealth in the narrower sense is meaningless, because bare physical needs of diverse human beings may be approximately equal, but needs of rational human beings above that physical level, needs of musicians, doctors, artisans, peasants, poets, scientists can never be equal. In a functional society equal distribution of wealth is meaningless. Distribution of wealth must be related to function above the bare physical level, and function being a qualitative concept, equal distribution, a quantitative concept, can have no meaning. Hence equitable distribution, distribution relative to function, can have meaning.

Modern socialistic theories which emphasize this equity in distribution—and not any rigid equality—will find a favourable background in the *varnasrama* institution. It may be explained in this way

If the Vaisya or wealth-producing guild is solely made responsible for production of wealth in its various forms and if the physical needs of the Brahmins are looked after by others, while the governmental treasury controlled by the Khattriya guild is also replenished by taxation of the Vaisya, it stands to reason that for the functions discharged by the Brahmins, Khattriyas and Vaisyas—for the service rendered by them to others in the community—they must get some remuneration. Any scheme of socialism must solve this problem of equitable distribution\* and we know it is a very difficult problem. This problem of equation between service or function on the one hand and remuneration on the other is a very intricate problem. It is possible to detect a peculiar 'socialistic' bias in the *varnasrama* structure and in so far there is that bias, to that extent, modern socialistic theories, specially of the functional type, will have a congenial background.

The sensual or vegetative Vaisya souls find pleasure when they, in exchange for their social service of wealth production, get plenty of sordid *wealth*, the spited, animal-like Khattriya charged with the social function of protection and administration, will scorn abundant wealth, his mental make-up loves *power*, the sober god-like Brahmin similarly will not care for wealth and power for the function that he undertakes for the society, he will be glad if he gets *honour* from all. The creativeness of different types of human beings will be stimulated by this unique and equitable distribution, not of wealth to be sure, but of all that man values above wealth.

We now pass on to an entirely different background. The institution of joint family, the idea underlying it, are all very important factors governing the introduction of socialism in India. Whatever the basis of joint family system, religious or economic, there is no gainsaying the fact that a joint family is a communistic society writ small or that a communistic state is a joint family writ large. The institution of joint family socializes human nature and teaches him self-denial, teaches him to think always of the bigger family. Anyone living in a joint

family knows that even if he earns a big amount, others less fortunately placed in that regard, will have pressing claims on his earnings. Production according to ability and consumption in common, *i.e.*, according to needs — these communistic features underlie the joint family system. Socialistic system, in order to be successful, presupposes two things. Firstly, there must be a favourable institutional environment, and secondly, there must be a profound change in human nature. It is argued here that the joint family system fulfils the above two conditions.

Closely connected with the above and in a sense related to each other both as cause and effect is the conception of joint property, specially in agricultural land. It is possible that to a certain extent joint landed property underlies and explains the phenomenon of joint family. If that is so, it is then an important illustration of economic interpretation of joint family system. Or the joint family system may have arisen due to the phenomenon of ancestor worship, and having arisen in this way might have led to the institution of ancestral joint property—not generally amenable to partition.

The conception of property is a matter not of instinct but of culture in the sociological sense. That is how the primitive Melanesian tribe's fondness for communism and complete ignorance of the conception of private property can be explained. That is how we can explain the phenomenon of widow's estate, joint property and the like. The various forms of land tenure in India certainly do not encourage or aggravate the conception of private property. The whole issue of the practicality of socialism revolves, according to some, round the pivot of the so-called property instinct.

We need not discuss whether the dominance of agricultural economy in India presents any insuperable obstacle to the introduction of socialism. We might profitably study the history of Russia in this connection from 1918 to 1936 and see how after the break-up of landed estates peasant-proprietors were looked upon with suspicion by the communist leaders, how later on they were converted into a new type of peasantry, collective farmers. This is another instance of socialism proving a veritable hydra.

In the beginning of this paper we said that our stand-

point—so far as background is concerned, will not be narrowly economic. True to that we will not dilate upon that aspect of the matter beyond drawing attention to the case of the Indian Sugar industry which smacks of intense socialistic tradition. The price for sugar cane is fixed, the area from which the mill will purchase cane is delimited, the period of crushing is also fixed, the price at which sugar is to be sold is also fixed, and sale must be conducted according to quotas through a selling syndicate licensed by the government. And all this before the present war.

We conclude this paper by explaining the second line of approach. In the beginning, it was hinted that if a strongly desired end (solution of India's constitutional problem) can only be realised by the introduction of a particular means (socialism), then there can be no question of the suitability of that particular means. Without giving a detailed exposition of this point of view we may profitably study the history and constitutional systems of the U S S R from 1917 till today, the salient features of which are the following: (a) More than 60 nationalities of which a dozen nationalities are important and the existence of different religions, (b) widespread illiteracy and poverty of the people, (c) dominance of agricultural system on a medieval basis, (d) distrust of the Russians who formed an overwhelming majority, (e) the existence of the whole gamut of human civilisation from Russians and Ukrainians on the one hand to the Kirghiz and the Chukchees in the east on the other. These were the problems for the communist leaders and they with great caution and hesitation began to build "a union of nations" from 1924 after the chastening effect of years of civil war. The leaders had before them the failure of the experiment of the old Austria-Hungary and also the unsolved national problems in the British Empire. The idea of a national state, where there are different nationalities, will not do. It will lead to persecution of the minor nationalities by the major ones. A federal state comprising the different nationalities on an autonomous basis has not really been attempted elsewhere probably for three reasons: (i) the absence of a strong centripetal force will wreck the central government and lead to the secession of the autonomous local governments, (ii) unwillingness of the dominant nationality to federate on equal terms,

(111) persistence of the idea that the basis of the state must be a nation

The problem in India is essentially similar to that existing in Russia 20 years back. We have here about 15 to 20 distinct linguistic nationalities, and mixed up with that the problem of diverse religious cultures. Illiteracy and unthinkable poverty need no mention. Agricultural economy is dominant and medieval in character. Dominance of the Hindus in every sphere is a fact, and they, being in a huge majority, cannot but evoke feelings of distrust, specially amongst the upper class Muslims. Here we find the highly cultured upper class Hindus residing almost in the same territory along with the primitive Oraons and Mundas of Chota Nagpur.

The fundamental problems being essentially similar, let us see how the communist leaders in Russia have attempted a solution. We will be very brief. A national unitary state is out of the question. A federation is a possible solution, but what should be the centripetal force underlying the federation? In India, as the Pakistan issue shows, the possible majority Hindu basis—a national basis—of the Central Federal government may be viewed with uneasiness by other minorities or nationalities. This might lead to a failure of the federal system and possible secession of some constituent units. The communist leaders have created a strong central government on the basis of *centralized economic power*, but they have also found a place for the sentiment of nationalism in the system of constituent units. The state in U S S R is a federal multi-national state—the cementing factor of the federation being supplied by a socialist economy. The two powerful modern forces in the building of a state are socialism and nationalism and this is a vexed problem. In India, we believe the intricate constitutional problem from our side can be solved, if a socialistic economy underlies the central government and the force of nationalism “in various degrees” be given an outlet in the creation of numerous types of units on the Russian model. That way lies the solution of the problem of Mundas in Chota Nagpur, the Hindus of Western Bengal in a possible Muslim majority-ridden Bengal, in a Bengali Sylhet in Assam and so on. In other words, there must be something like federations within federations.

A socialist economy underlying the future central

government in India is not likely to generate suspicion.—nationalism creates distrust, but socialism disarms opposition by uniting the working masses. Nationalism, whether religious, cultural, linguistic or racial will have their outlet in the 'various' types of governmental units, but the force of socialism will find its vehicle in the central federal government. This will be inter-nationalism really—and socialism will fit in with that. Nationalism of all grades and types can but be diverse, hence out of place as the basis of a federal state which is one. Socialism is classless unity of workers—hence a suitable basis for the central government. Nationalism is irrational, hence must be made the basis of local and lower units, socialism is humanism and higher ethics, hence must occupy a higher pedestal.

India is a compound, a synthesis. its constitutional problem so far as the central government is concerned can never be solved on a national basis—i.e., a Hindu majority basis. Invoke socialism in the centre and we get a strong central government, put nationalism in the lower rungs of the ladder and we get gradations of governmental units.

We conclude this paper by saying that socialism of the communistic brand is really a new type of religion and the human urge for religion will find its satisfaction by the introduction of socialism in India and incidentally mitigate the so-called religious animosities fostered by upper class people.

# THE GERMAN IMPERIAL CHANCELLOR 1870—1918—A STUDY IN THE EVOLUTION OF REAL EXECUTIVE\*

BY

RAO BAHADUR C S SRINIVASACHARI,  
*Annamalai University, Annamalainagar*

Prussian law and constitutional practice had, from the beginning, definitely been moving on the basis that all political authority centred in and emanated from the Crown. The constitution granted in December 1848, on account of the pressure of the liberal movement, was moulded to some extent by the idealism of Friedrich Julius Stahl, leader of the Christian Conservative party, whose supreme idea was the dominance of the monarchic spirit. Bismarck who was even then assertive was dissatisfied with the minute liberalism that this constitution displayed. King William I (*acc* 1861) who had been regent for his brother, Frederick William IV, was conservative in his political character and fully convinced of the divine origin of kingship. But he did not approve of any purely police type of government. At his accession to full legal power in January 1861, he showed that he could approve of and be happy with a government of moderate liberal tendencies. He had been advised to support the new movement that aimed at uniting all the national forces throughout Germany and at making Prussia the head of the whole liberal movement. His mind had been liberalised, so far as it could be, by his friend, the Prince Consort of England, by his son-in-law the Grand Duke of Baden and by his son, the future Emperor Frederick I. But he did not like any diminution in the power of the Crown. The liberal ministers tried their best to avoid driving the determined King into the arms of the Conservatives over the question of army reform. After a protracted struggle in which the Conservative Cabinet of Prince Adolf von Hohenlohe did not

\* A paper submitted to the Indian Political Science Conference, Fifth Session, Agra, January, 1943



care to risk an open struggle with the progressive party, the King finally appointed Count Bismarck who had already become noted for his fiery conservative zeal. Bismarck became the Prime Minister in September 1862 and contrived to overcome—and to some extent even to conciliate—the disregard of legality which his action in forcing the scheme of army reform and breaking with Parliament roused, by the success of his foreign policy. It is difficult to discover the motives of Bismarck's action in this crisis, whether they aimed at the unity of Germany or at the greatness of Prussia, for, in the words of Friedjung, "in his political laboratory ideas and theories were never an end in themselves but rather a changing series of means which he used to influence the minds of men."<sup>1</sup>

Bismarck depended for support mainly upon the Conservatives, held the press in check and hoped to conciliate the liberal opposition by a vigorous policy. He gave to the Conservatives all the military and administrative posts, and his government was, till the establishment of the Federation, merely government by means of a party which had no place in the legislature. In the constitution of the North German Confederation of 1867, Bismarck aimed at having the office of Chancellor so functioning as to unite the Bundesrat and the President (Emperor) as to effectively make a stand against the Reichstag. On the other side, Bennigsen, the leader of the National Liberals, desired, in the first place, a competent Federal Ministry which would be responsible to the Reichstag, and next, to avoid the grant of any formal constitutional hegemony to Prussia. Formally, his amendment to the Prussian project secured both a correct and normal Federal executive and its responsibility, it also provided that the orders and rules of the Federal Presidency should be issued in the name of the Federation and should require for their validity the counter-signature of the Federal Chancellor, who was thus to assume responsibility. This ultimately became Article XVII of the 1871 constitution.

This Article was developed by Bismarck into the main basis for the transformation of his office from that of a counter-signing minister into the leading Imperial and

<sup>1</sup> The *Cambridge Modern History*, Vol. XI, *The Growth of Nationalities*, p. 411

Real Executive As he himself was at first unfavourable to Bennigsen's idea and unwilling that a body of ministers should replace one, he allowed the clauses on responsibility to remain because he was prepared to take up responsibility and leadership. The Chancellorship thus created was cautiously marked as a *singular* office, to be vested always in one person, and as appointable and dismissible by the *Deutscher Kaiser* and as responsible only to him. The responsibility was to be, however, interpreted, not according to Bennigsen's liberalism, but in the tradition of Prussia and other German States, solely, in the monarchical sense and as entirely excluding removability by the Popular Assembly and any kind of real constitutional answerability to them. But since the Reichstag had certain unalterable powers in legislation and finance and as it contained in its liberal sections powerful unitary forces that were of great help to the stability of the Federation, Bismarck developed a double convention, *viz.*, non-answerability in the constitutional sense to the Reichstag and a simultaneous attempt to placate the opposing unitary and liberal forces in the Reichstag. The history of the Imperial Chancellorship was thus in a sense "the history of the management of the parties of the Reichstag," which in Bismarck's hands took the shape "of the successful formation of government blocks out of the most unlikely of colleagues and also a history of concessions." Under his successors, even under General von Caprivi, it came to be a *history of distraction*, leading ultimately, from the latter days of Prince von Bulow's Chancellorship to violent distraction and open attacks on the whole system.

Prince Bismarck stressed that the policy of responsibility attaching to his office would be greatly affected by the kind of Parliament to which it was owed, and his opinion on this matter is very significant. "But a Parliament, which consists of an appreciable number of groups, eight or ten, which has no constant majority, or recognized united leadership, ought to be pleased if there exists the ballast of a royal government, a royal will in the vessel of state." In his *Reminiscences*, he harped frequently upon the difficulty of making concessions to popular demands in the face of an autocratic court and of unbending Prussian Junkerism, between persuading the Emperor to yield on points and, at the same time,

preserving the reality of royal and ministerial dominance. According to him the Crown was to be weakened, not yet be thought weak.<sup>2</sup>

## II

For the first seven years of his Chancellorship, Bismarck was driven to rely on the Parliamentary support of the National Liberals and to consolidate the Empire on National Liberal lines. Afterwards, a rift rose over the question of the Reichstag voting for the supplies of the army for seven years (*Septennat*) instead of by a perpetual law (*Aeternat*). In the attempt at the settlement of Federal finance on a basis of independence of State contributions, the question arose whether the Chancellor's office could be developed into a real and organic cabinet of ministers by the creation of Imperial ministries which would serve as a beginning for constituting the Empire as a Parliamentary State. Bismarck failed in his negotiations with the national Liberals but soon contrived not only to settle accounts with them, and also to deal a severe blow at the Social Democratic party whose different elements had been united in the Reichstag under the leadership of Babel and Liebknecht. The Chancellor won the cooperation of the Centre by a timely retreat from most of the positions that he had taken up during the years of the *Kulturkampf*, which has been well named "the easy and undramatic journey of the Chancellor to Canossa." These new developments converted the tendency towards a liberal centralization of the Empire under Parliamentary supremacy to a new starting point of growth on novel federalistic lines, which, as outlined in the message from the throne of November 1881, implied a return to the political conceptions of the Prussian

<sup>2</sup> He said — "As early as 1874 I was in favour of an effort to secure the possibility of public criticism of the government in parliament and in the Press, in order to shelter the monarch from the danger of having blinkers put on him by women, courtiers, sycophants and visionaries, hindering him from taking a broad view of his duties as monarch or from avoiding and correcting his mistakes. This conviction of mine became all the more deeply impressed upon me in proportion as I became better acquainted with Court circles, and had to defend the interest of the state from their influences and also from the opposition of a departmental patriotism."

kingdom of the eighteenth century and to the ideas of Kant and Hegel as to the moral obligations of the State, and, in one aspect of their realisation, aimed to enforce the ideas of economists like Wagner and Schmoller.

Thus, in the decade, 1880—1890, Bismarck reverted to the ideals that he professed in the sixties. Several elements of the political development show that his personality increasingly dominated the home policy of the Empire, he even succeeded in uniting both Conservatives and Liberals by means of a Kartell, thereby securing a majority of implicitly loyal followers in the Reichstag.

Bismarck was "no Richelieu, who openly cast his master in the shade." The Emperor was not blindly amenable to the policy of the Chancellor on every occasion, but during the eighties the feeling took root within the sovereign which "found expression in that 'Never!'" once written by him on a letter of resignation by the Chancellor.

The Crown Prince, Frederick, continued to cling on to the Liberalism that was in vogue in the sixties, which his clever wife, Princess Victoria of England, prevented from declining, and had definitely declined to abandon his personal connections with the Liberal leaders. But, in spite of an expectation that, on account of these his accession to the throne would witness the retirement of Bismarck, the latter continued in office during his rule of "hundred days," because as Bismarck himself said, "the Empress shared with him the conviction that in the interests of the dynasty it was necessary that I should be maintained in office at the change of the reign." The new Emperor stressed this aspect in his message.—"The furtherance of the task of the Imperial Government must leave untouched the bases on which the Prussian State has hitherto safely rested. In the Empire the constitutional rights of all the Federal Governments must be as conscientiously respected as those of the Reichstag, but the same respect for the rights of the Emperor must be demanded from both." He nevertheless insisted upon the dismissal of the Conservative minister, von Puttkamer, for interference and illegal influence exercised in the elections.

Bismarck soon encountered the personality of the new wearer of the Crown, Wilhelm II, who succeeded after what had been practically an inter-regnum. In

the course of a little more than a year, the youthful Kaiser familiarised himself with the idea of parting with the great Chancellor, whose long continued dominance had made the enjoyment of unquestioned authority a passion with him. When the elections of January 1890 had destroyed the Kartell majority of Bismarck's, he even contemplated a *coup d'etat*, which would modify the constitution if that were necessary and certainly overthrow the new opposition majority. The young Emperor would not, however, countenance such a measure.

Events alienating the Emperor from the Chancellor followed in quick succession, like the open collision in the Crown Council convened in January 1890, on the birthday of Frederick the Great, and the issue of a proclamation by the Emperor announcing a social conference on labour to which the Chancellor had bluntly refused his countersignature. The dramatic dismissal—'the dropping of the pilot'—has been pictured in arresting language by Ludwig and attempted to be justified in the *Ex-Kaiser's Memoirs*. The Kaiser's view as to the necessity of dismissing Prince Bismarck was conveyed in a personal conversation to the Tsar in 1890 after the Narva manœuvres, the latter made the following remark: "I understand perfectly Thy line of action, the prince, with all his greatness, was, after all, merely Thy employee or official. As soon as he refused to follow Thy orders, it was necessary to dismiss him."<sup>3</sup>

The new Emperor was fully conscious that his literally immediate succession to his grandfather tended to orphan the entire generation of the Emperor Frederick and to deprive it of its hopes of exerting influence and to incline it to adopt a distrustful and reserved attitude towards himself. He was conscious that the choice of a successor to the Prince was a most difficult one and whosoever he might be, he would be looked upon as the usurper of a post to which he was not entitled and which he was not certainly qualified to fill, in relation to the great man. Meanwhile the press outbismarcked Bismarck in its behaviour towards the new Government of Von Caprivi. All this opposition was actively participated in by the Ex-Chancellor and soon comprehended even the

<sup>3</sup> Ex-Kaiser William II — *My Memoirs* 1878—1918, p. 18, footnote,

Conservatives, and "the Prince in person sowed the seed from which later grew the 'misunderstood Bismarck' and that *Reichsverdrossenheit* (unfriendliness to the empire) so often exhibited in the Press "

### III

Caprivi during his three years' tenure of the Chancellorship found little support among the political parties and even from those who should have stood by him. He tried, in the words of his master, "honestly, within the measure of his powers and abilities, to continue the traditions of Prince Bismarck." When asked to retire, he departed without one word of resentment and lived in complete seclusion. In the vigorous words of Ludwig, "to command and to obey—these were Caprivi's fundamental principles, and, even as Imperial Chancellor, he obeyed no less meekly than as General—that is to say, he obeyed his Supreme War-Lord." Once again the Emperor was confronted with the difficult task of the choice of a new Chancellor in the life-time of the great Bismarck. He wished that the man to be selected would work under the same auspices and subject to the same conditions as his predecessor, but should be capable enough to inspire Prince Bismarck with greater confidence and to afford him fewer opportunities for criticism and attack. Prince Hohenlohe, a typical old-style *grand seigneur*, then Governor of Alsace-Lorraine, was chosen for the place as he seemed to be acceptable to the Emperor in every sense. From the Prince's *Memoirs*, we get some glimpses of an unreserved presentment of the "difficulties and struggles of domestic politics which were occasioned more by the persons than by the things themselves."<sup>4</sup> The Kaiser was of the opinion that he showed a mildness which was not generally favourable. He was neither equal nor agreeable to the task of making frequent speeches in the Reichstag, while the press behaved as if it could conserve the Bismarckian tradition by quoting the sayings of Bismarck and jeopardised relations with England. It is difficult to evaluate the degree of independence of his master's will that marked the conduct of Prince Hohen-

<sup>4</sup> *Memoirs of Prince Chlodwig of Hohenlohe, Schillingfuerst*—Translated by G. W. Chrystal, Vol. II (1906), p. 957

lohe's tenure of the Chancellorship for seven years. He loved to employ mediation, compromise and conciliation, even on occasions when his master would have advised more energetic measures, and he resigned somewhat earlier than he originally intended.

The next Chancellor, Prince von Bulow, was a skilful orator and ready debater in the Reichstag. The Emperor moved on the most intimate terms with him, being much nearer in age to him than to his predecessors. Both Emperor and Chancellor together were constrained to work with Baron von Holstein, who continued through all these vicissitudes in the Foreign Office and was looked upon as the unbending upholder of the Bismarckian traditions and as the man who maintained these in the teeth of his young master. Bulow's great credit in the conduct of the domestic policy was seen in the restoration of the relations between the parties in the Reichstag, which had got into a bad way under Hohenlohe, and to rally the Conservatives who had been actually won over to the opposition by the post-Bismarckian policy of the Imperial Government, and, above all, to form the famous *block* which arose from the great electoral defeat of the Socialists. He brought the Conservatives and the Liberals together, and made a clever use of the view always upheld by the former, *viz*, "Unser König absolut, wenn er unseren Willen tut" (Absolute our King may be, if he does what we decree)."

In 1908 came the first and only serious rift between the Chancellor and the Emperor over the explanation of the Casablanca affair. The Emperor's position had become critical. Ludwig tells us that at the moment the nation could have obtained his abdication and that the movement against the Kaiser was not merely Socialistic, but affected all classes. The anger of the people was caused by the loquacity of the Emperor which enabled them to perceive his duplicities and inconsistencies. The idea of Imperial abdication was mooted on the occasion by the Royalists themselves, while in the meeting of the German ministers themselves convened for a session of the Bundesrat's Committee on Foreign Affairs, there was even a talk of persuading the Emperor to abdicate (November 1908). We learn that even about a decade before this time a similar scheme had been worked out in the labyrinthine mind of the dreaded Holstein.

Now Bulow came forward to avert the threatened crisis and tendered his own resignation and those of the responsible Secretaries of State, to the Bundesrat. He thus contrived to clothe the Emperor and his unfortunate remarks with an official explanation and a constitutional protection or immunity. But this did not end matters. A few days later the Reichstag met "with all the appearance of a national court of justice on the sovereign."<sup>5</sup> It seemed as if anything might have happened that day, the securing of solemn pledges, constitutional modifications and probably even the abdication of the Emperor as already envisaged by the members of the Federal Council. It is strange and in keeping with the volatile spirit that sometimes marked the Germans that not one of these was achieved. Nothing happened. All the party leaders merely sermonised the Emperor and some attributed the fault to the Byzantinism of the court which had been sedulously fostered for two decades, and in the sequel, the Reichstag did not even put forward an address of protest. The result was that "after that date the Emperor had to fear no more from his people, but Bulow had to fear the Emperor." He was now to be punished for having neither vigorously championed the Emperor, nor openly abandoned him. He criticised the Emperor for his strong expressions and promised that he would "lead the Emperor henceforth to lay upon himself, even in his private conversations, those restrictions which are indispensable for consistent policy and the authority of the throne. Were it not so, neither I nor any successor in office could accept responsibility for the consequences."

The Chancellor was convinced that it would require a much greater and more enormous blunder to destroy the magic halo of the Prussian Crown. His persistent advice to the Emperor on the advantages of an understand-

<sup>5</sup> Bulow — *Memoirs* (Vol 1903—1909) pp 374 et seq give us a glimpse of the mind of the Crown Prince, that he would not have been unwilling to govern at least for a time and he expressed to the Chancellor the widespread feeling of irritation and even bitterness against his father and asked "whether I considered that the Emperor attacked so wildly—mainly, indeed, by Maximilian Harden, but by others too—could go on reigning, just as though nothing had happened. Was not a break, possibly a longish break, advisable? Or even necessary?"



ing with England—lack of which brought about the crisis of 1908—which could be obtained by slowing down the naval programme, gave umbrage, not merely irritation, to the Kaiser, and his last months in office, as he himself says, could only be really understood “in conjunction with the peculiar, emotional, unbalanced and incoherent temperament of William II.” Bulow felt that it was the double duty of the Imperial Chancellor to lead the deputies of the Reichstag to his own policy and not to be led by them, and at the same time to maintain the integrity and power of monarchy. He was advised by Schmoller that, except Bismarck, all other Prussian ministers had seen the necessity for standing up to their kings. He pleaded, in his *Memoirs*, in a chivalrous extenuation of the Kaiser, that his Master was “not false but fickle and he was no Louis XI, nor Caligula.”

Bulow was caught between the two mills of his conviction of the necessity of preserving the monarch in the tradition entirely of his power and keeping up fair relations with the parties in the Reichstag. The burden of the complaint of the Kaiser, on the other side, was the feeling that Bulow was inclined to cajole the Reichstag too much and to speak from its forum too often and too successfully. When he was asked naively, after the Kaiser had decided on removing him, whether he would continue for some time in office in order to sponsor finance reform in the shape it had received from the Conservative and Centre Parties, he boldly replied that a minister could resign but should not forswear himself, and he gave, as the correct Parliamentary reason for his retirement, not any disagreement with the Emperor, nor any diminution in his favour, but the rejection of the death duties by the Reichstag. That Bulow announced his retirement on such an issue, rather than on account of any friction with his sovereign, was a politic move and at the same time savoured of his growing appreciation of Parliamentary methods.

#### IV.

The Kaiser naively wrote that the Chancellor drew the proper conclusions from the rift of the political parties and appointed Dr Bethmann Hollweg as the fifth Chancellor of the Empire. Bethmann was an old

friend of his with whom cooperation was easy. During his term of office, Bethmann had plenty of foreign problems to handle, some of which were really the creations of the overgrown German megalomania. The Emperor soon began to complain of the difficulty and tiresomeness of working with the Chancellor who was over-conscientious and gave the impression of vacillation. While it was admitted that Bethmann, like Caprivi, was a good disciplinarian and a bureaucrat, he lacked precisely what Caprivi had lacked, *viz*, knowledge of foreign affairs and foreign countries. The trouble with the parties in the Reichstag continued, but Bethmann contrived to have a clearer grip, according to the *Memoirs of the Ex-Kaiser*, over the Secretary of State for Foreign Affairs, Kiderlen Wachter.

The constitutional relation between the Emperor and the Chancellor has been disclosed, as from the impersonal point of view, by the Ex-Kaiser, on the following points primarily: (1) The Chancellor assumes full responsibility for the foreign policy of the Empire, reports it to the Emperor and has it carried out by the Foreign Office. (2) The Emperor has influence on foreign policy only in so far as the Chancellor grants it to him and can bring his influence to bear through discussions, information, suggestions, proposals etc., which are supplemental to the political reports of ambassadors and ministers. (3) The Chancellor may make the Emperor's report the basis of his discussions, if he agrees, according to the constitution the Emperor has no means of compelling the Chancellor or the Foreign Office to accept his views, *e.g.*, the Kruger Despatch. (4) Should the Emperor stick to his view, the Chancellor can offer his resignation or demand to be relieved of his post. (5) The utmost that the Emperor can do is to effect a change in the Chancellorship.<sup>6</sup> Bethmann put the blame for the foreign policy of his Chancellorship not so much on the intervention of the Emperor, as on the confused and fluid condition of parties.<sup>7</sup>

<sup>6</sup> *My Memoirs*, by the Ex-Kaiser, pp 135—136

This was written in the Ex-Kaiser's exile at Doorn and was an *ex-post facto* protection against any assumption that he alone was responsible for the foreign policy that brought Germany to the *impasse* of 1918.

<sup>7</sup> *Reflections of the World War* by Th. von Bethmann-Hollweg, Translated by G. Young, 1920, Part I, page 26

The collapse of the military front in the autumn of 1918 led to the complete effacement of the civil department of the Imperial Government. Already the advent of Hindenburg and Ludendorff in the middle period of the war had put an end to the political control of the civil government, and this resulted in a complete void of co-ordination between the civil and military authorities. But both Chancellor and Vice-Chancellor, Bethmann and Helfferich, continued to cling on to their offices, even when they had given up everything of control to a couple of generals, on the assumption of their continued indispensability. At Pless, on the 10th January 1917, "the Chancellor handed over the whole political authority of the empire to a couple of generals who bore no responsibility for their actions." The Emperor now began to chafe under the fetters of Ludendorff which he himself had rivetted on his hands. Instead of concentrating the supreme command in his own person as he should have logically done, he remained in the background, gave up to the command the utmost liberty of action and relied only on his personal influence. Driven into a corner in the tragic month of September, 1918, he acquiesced in the establishment of democracy and in the formation of a new cabinet dominated by Socialist elements. The unhappy new Chancellor, Prince Max von Baden, "one of the last real paladins" took up office with the full consciousness of its dread implications. He, however, brought about the acceptance of the Armistice offer, and the submission to the Fourteen Points, the abdication of the Kaiser and the arun Prince and the pact with Ebert along with the Social Democratic Ultimatum, because he was convinced that Government had no choice then but to pin hopes to the Majority Socialists.

## V

In the above survey of the Imperial Chancellorship of the German Empire, the responsibility of the Chancellor for the entire administration played a great part. But this responsibility had always meant that, whatever actual power the Emperor exercised, he was never to be "publicly praised or blamed for its employment." "Praise and blame were to be concentrated upon the Chancellor, with the implication that the Chancellor's

will alone should prevail " Thus the Chancellor had to defend the Emperor against the consequences of his own loquacious and often inconsistent views and statements, and at the same time he had to reckon with the Reichstag parties and build up some sort of Parliamentary support for all the projects of government Even Bismarck in whose time the manipulation of parties was far easier, had to pay lip homage to the principle of moral, though not technical, responsibility, at least answerability to the Reichstag Thus the history of the administration of the Chancellors resolved itself, even almost from the beginning, into a complicated and kaleidoscopic survey of the management and manipulation of the parties in the Reichstag and of "astute dissolutions and manipulated elections" Bismarck was clever at the task of forming 'Government Blocks' out of most unlikely material Caprivi and Bethmann-Hollwegg in a larger measure, and Bulow to a much smaller extent, experienced considerable difficulties in this art of manipulation The former two were wedded to Prussian administrative tradition, one a bureaucrat and the other a general Hohenlohe was more of the type of an understanding, but pliant, minister Even Bulow who was more of a publicist and statesman was not a clever hand at this job Bismarck's giant shoulders bore the heavy burden without serious strain, and all his successors were exhausted, sooner or later, from the difficulties and nervous strain of the situation Wilhelm II did not understand the necessity of gauging the popular will and conciliating it The Chancellor had to give concessions, but at the same time to keep up the pretence that these concessions did not proceed from weakness "Between an exigent majority and a radical minority in Parliament, and a narrow-minded God-and-class-intoxicated Court, between a Prussia with its Prussian interests and a Bundesrat with German and sectional interests, the Chancellorship became a burden intolerable for one man The King had to be persuaded to concede, yet the Chancellorship itself could not maintain its prestige if the concessions became numerous The Crown must be weakened, yet not be thought weak "8

<sup>8</sup> FINEY *The Theory and Practice of Modern Government*, 1932, Vol II, p 1072.

The complicated and underground court intrigues and the habit of the Kaiser to be led by the close camarilla of his personal favourites worsened the situation. Finer's characterisation of the German executive under the Constitution of 1871 as a *Genius System*, which might flourish in the hands of its titanic founder, but would not only break down under, but also destroy, his weaker successors is, to a large extent, true. A more likely explanation of its breakdown possibly lies in the view that an executive that has to proceed by invigoration from personal factors working secretly, but at the same time is forced to profess a quasi-parliamentary and morally responsible character could not, from its very nature, be either satisfactory or efficient, much less can it work in a rapidly expanding state encumbered with heavy problems of social and domestic reform and with burdens of foreign relations, mostly of its own seeking. That the Chancellor had to suffer as the scape-goat for the faults and failings of Emperor, Court, Bundesrat, Reichstag and the Press was inevitable, however tragic it might be. What an enormous strain and waste of political and parliamentary effort it involved the successive holders of the high, but fatal, office, can be understood from a perusal of the *memoirs* of the successive Chancellors, particularly Bulow and Prince Max von Baden. Under the system and its tortuous evolution neither Chancellor, nor Kaiser, could and did function as the real and effective executive of the Reich.

## COMPOSITE EXECUTIVES,—FOREIGN EXPERIENCE AND INDIAN CONDITIONS

BY

MR V K N MENON, M A (OXON),

*Reader in Political Science, Lucknow University*

In many of the proposals that have recently been made for a reformed constitution, immediate as well as more remote, for India as a whole and for the Provinces, the tendency to favour a composite or coalition executive, even where one party is in a majority, has undoubtedly been remarkable. The question does not arise, of course, where there is no party in a majority, a formal or informal coalition is obviously indicated in such a situation. But I deal here with a trend of thought which favours a coalition cabinet even when there is an absolute majority for one party in a legislature. The tendency has been all the more remarkable since an appeal, (though indeed in general terms only,) away from the British constitutional model and to others more suited to our conditions was first prominently made in the Simon Commission and the Linlithgow Committee Reports, sources which were not above suspicion for disinterestedness in certain quarters. But these Reports in the end did little to implement the idea. On the other hand, there has been the experience of the one-party and majority Congress ministries where and when that they functioned, there is also the anticipation of greater difficulties with minorities in the future. Thus we see Mr Rajagopalachari, from the Congress side, now lending his powerful support to the old demand of the minorities for coalition cabinets. And in two papers which have been read before the Indian Political Science Conference at its Bombay Session the experiences of our one-party Congress cabinets have been adversely criticised, though one of them suggested as an alternative a non-party cabinet, which is altogether different from a composite or coalition

\* A paper submitted to the Indian Political Science Conference, Fifth Session, Agra, January, 1943

tion cabinet, and which I hold to be eminently impracticable though for reasons into which I cannot go here Dr Benı Prasad had still earlier suggested coalition cabinets as the best in our circumstances. The tendency is quite unmistakable. Indeed, in recent years, one-party government, even in peaceful and normal times, has undoubtedly come in for somewhat less favourable comment than before even in a country like England where it has been traditional. This was the attitude of the late Professor Ramsay Muir in his *How Britain is Governed*, and in that book he also took a correspondingly more favourable view of continental coalition governments in the context of their multi-party systems than was usual among British thinkers. And it is being increasingly realised that it is not only in Switzerland, where they have been the rule for long, but it is also in Scandinavian democracies like Norway and Sweden, where they have been practised over a more recent period, that coalition cabinets have been successfully worked and with lessons for other countries. In India itself the Swiss example is a favourite one, and if our advocates of coalition cabinets do not usually appeal to a wider experience, it is perhaps compensated by the sincerity of their appeal to this single, if not singular, case.

But it seems to me that many of the advocates of composite cabinets for India have not closely studied either this foreign experience, or even our own, in this connection. I take Professor Pardasani's paper read before the Conference and published in this journal in the July-September, 1942, number as typical of this growing school of thought. The most essential points of the system proposed by them are these — (1) The composite principle must be prescribed by law. (2) The law must provide for the representation of all and even no-parties on them in proportion to their strength, whether elected by the legislature or nominated by the party leaders. (3) Such a cabinet, to be stable, must also have a fixed term, the same as that of the legislature or the more popular house of it. An executive can indeed be stable without being composite, as the example of the U S A indicates, but in the proposals here examined the two ideas have been joined together, and perhaps behind the idea of a composite executive itself there is some flavour of stability.

The appeal is made to foreign experience. But I do not know of any constitution in which coalition cabinets have functioned where they have been prescribed by law. It is not so even in Switzerland, though indeed there is a long-established convention there to this effect. And almost the same applies to the question of stability. Only in Switzerland is the term fixed by law, and there the term of the legislature too is fixed, a provision which I have not seen suggested for India. Why the arrangement works easily in practice we shall see presently.

It may be answered that these in themselves are not sufficient objections. I agree. Minority rights should be as incontestable and executives as stable as possible. But it cannot be denied that such coalition cabinets as have worked abroad have, further, never been the all-party cabinets contemplated for India. In Switzerland, although the Socialist Party has been in existence for over half a century and has recently been also sometimes the strongest single party, it has never yet been represented in the Federal Council. Nor have the smaller parties been represented on it. There was only one party in it till 1919, the Radicals, though indeed with representatives of its liberal wing since 1860. Since 1919 there have been only three parties represented on it, the Radicals, the Catholics and the Agrarians. I wonder if the well-known conventions about the representation of the three languages, the two religions and the two leading cantons on the Federal Council have not led to an exaggerated impression of its actual heterogeneity. Similarly in Sweden, the cabinets have included the representatives of only some of the parties, not of all. In 1936 there were only two parties in the cabinet, the Socialists and the Agrarians, and in 1939 three, the Socialists, the Conservatives and the Liberals.

Still further, even where coalition cabinets are of even this limited character have proved a success, as they undoubtedly have done in Switzerland or Sweden, a very significant cause of their success has been the fact that there has almost always been one party, or at most two parties with closely similar ideologies acting in close collaboration, in a dominant position in these countries. In Switzerland the Radical Party, (though, it is true, with its liberal wing since 1860,) was in an absolute majority in the National Council from 1848 to 1919.



And since then the strength of the Socialist Party has made the Radicals and the Conservatives to work together,—and together they have been in an absolute majority in the lower House. In Sweden the Socialist Party secured an absolute majority at the election of 1940 and almost one such at the two previous elections<sup>1</sup>. Where the Parliamentary situation is of this character it can be easily understood how the majority party or coalition can afford to give a few seats in the cabinet to other parties, and how, on the other hand, some at least of them may have an inducement to accept them instead of continuing in a futile and powerless opposition.

I suggest, therefore, that we must make a distinction between two kinds of coalitions,—free or flexible and tied or rigid. The coalitions that we have seen to be working successfully are free coalitions. They are not imposed by law. They are not all-party coalitions. They are the result of the dominating position of one party, or two closely co-operating parties, which make the formation and the functioning of the coalition easy. And they have no fixed terms. On the other hand the coalition system proposed for India is of a rigid and unknown type,—compulsory, all-party, representative in proportion to strength in legislature, and with a fixed term.

I have no doubt that a rigid coalition of this type will be absolutely unworkable anywhere. Anything resembling it exists only in the Executive Committees of the South African Provinces, where the number, proportionality and term are fixed by law. But the problems of a South African Province are hardly comparable to those of a state, though it is true that those of Switzerland, Sweden etc., are simpler than the problems of states like Great Britain, France or the U S A. Even in South Africa the system works satisfactorily to some extent only because of the two-party system (and even practically one-party system, for a time) and the dominant position of the Administrator as Chairman of the Committee,—and he is appointed by the Union Government.

<sup>1</sup> For detailed figures see the successive volumes of the *Statesman's Year Book*.

And even then the system has not been above serious criticism

Such a coalition must invite deadlocks. If one party refuses to elect or nominate its quota, can the cabinet begin to function? If it has somehow been formed, is not constant wrangling inside it, and outside it in the legislature, inevitable? Cannot such wrangling easily lead to non-co-operation? And there is no solution of the deadlock till the next election,—when the whole trouble will only start over again. But free coalitions need not have such dangers.

The right to government is prior not only to self-government. It is also prior to mis- (if not non-) government by such a rigid coalition.

If, now, coalition cabinets are necessary or desirable for India in the special circumstances of our minority problems, and they are undoubtedly somewhat similar to those of Switzerland, Sweden etc., even where one party is in a majority, it is clear that their type should be of the character contemplated in the Instrument of Instructions to Governors rather than any more radical type, though the authors of that document can hardly be expected to have had the results of the foreign experience discussed above in their mind when they drafted it. When Governors were instructed to include, 'so far as practicable,' members of important communities in the Cabinet, a wise instruction was, I think, given to them. The Congress viewpoint has been that in the actual composition of their cabinets this requirement was fulfilled when they included Muslims as well as some other minorities. The intention of the Instrument of Instructions was perhaps to include *representatives* of minority parties. But the words "as far as practicable" are also there. In the circumstances of the time, I do not know if it would have been finally possible for the Congress and the Muslim League, as well as some other minorities, to form a coalition cabinet. But this does not mean that the Congress parties can be said to have done all that they could have done. I think they did not make it clear that they had no intention of acting as a majority only or including in their cabinets only members of their own

- See the discussion of this topic in Kennedy and Schlosberg, *"The Law and Customs of the South African Constitution"*

parties. An offer of seats roughly proportional to their party strengths could, I think, have been made to important and organised minorities. And even if the offer was not accepted by them all some may have done so. Anyway the offer itself would have shown a recognition of our political conditions, not, however, without parallel elsewhere, as we have seen. It is noteworthy in this connection that in the Punjab the Unionist Party, although in an absolute majority in the Legislature, and the only stable party of the kind other than the Congress ones, has consistently included others in its cabinet.

The future, it may be in more countries than we imagine, is with coalition governments, even where there are majority parties. Even in India, as we have seen, they are not unknown to thought or practice. But, certainly, it is not with coalitions of a rigid type, but with free ones.

# A SUGGESTION FOR WORKABLE EXECUTIVES IN INDIA

BY

DR V S RAM, AND MR L P CHOUDHRY,  
*Lucknow University*

The Government of India Act 1935, was brought into force, so far as the provincial part is concerned, on 1st April, 1937, in the hope that it would meet the legitimate aspirations of Indians by providing them workable democratic governments in autonomous provinces. Its actual working during these years has brought out one very important fact, *viz*, that the kind of cabinet executive on the British model, so successfully worked out even in the self-governing Dominions, does not satisfy important sections of the Indian people. Men like Mr Jinnah contend that the conditions necessary for the successful working of cabinet type of executive are not present in India and majority rule means rule by the majority community and the representatives of the minority in the cabinets formed by the majority party are "show-boys" and are not the real representatives. Mr Hafiz Mohammad Ibrahim was elected to the U P legislature on the Muslim League ticket. When the Congress Party, which was the majority party in the legislature, chose him to hold one of the offices in the cabinet the Muslim League began to accuse Mr Hafiz Mohammad Ibrahim of deceiving the League and joining hands with the Congress. The Leaguers went to the extent of remarking that he could have been never elected if he had not fought the elections on the Muslim League ticket. Mr Ibrahim resigned his seat in the legislature to keep up his prestige and sought re-election as an independent. He was re-elected and continued to be the member of the cabinet. This shows that the charge preferred against Mr Ibrahim by the League was not supported by the Muslim electorate of the constituency. Rt Hon'ble Sir V S Srinivas

\* A paper submitted to the Indian Political Science Conference, Fifth Session, Agra, January, 1943

Sastri called attention to the development of totalitarian tendencies in Congress. Too much of criticism was levelled against the High Command of the Congress in putting pressure on the U P and Bihar ministries to resign over the question of release of political prisoners. The flying of Congress flag on public buildings, the signing of Bande Matram, the idea of introducing Wardha Scheme of education, the compulsory teaching of Hindi, etc., all these were considered as steps against Muslim culture and Muslim people. When the Congress party resigned offices in various provinces, where it was in majority in 1939, Mr Jinnah and his followers celebrated its departure as the "Day of Deliverance". Hence the hope of the framers of the Act, that parliamentary institution, after the British pattern, would give abiding peace and satisfaction to the various communities and interests, has been belied by experience.

✓ Democracy has been successfully worked out in the U S A and Switzerland, without the cabinet type of executive. It is, therefore, not an essential condition of the solution of the Indian Constitution problem that British model of executive be necessarily borrowed in India. The framers of the Government of India Act realised that the conditions prevailing in India are not favourable for the successful working of the parliamentary type of executive. The Indian Statutory Commission observed — "It seems to us most unlikely that if Britain had been the size of India, if communal and religious divisions so largely governed its politics, and if minorities had had as little confidence in the rule of the others as they have in India, popular government in Britain would have taken this form." It appears that the British statesmen are so much fond of seeing the Parliamentary Executive of the British model patronised by other countries that even after introducing similar executives in Canada and Australia they embodied it in the Government of India Act, 1935, hoping that it would prove a panacea for all Indian political ills.

For the satisfactory working of the Parliamentary type of executive existence of certain conditions is very necessary. As Bagehot pointed out, the pre-requisites for the successful working of the parliamentary government are — (1) "It requires something more than intelligence and virtue. It presupposes a body of citizens who

are fundamentally at one upon all the major objects of the governmental activity, so fundamentally at one, it may be added, that the thought of conflict as a way of change is incapable of entering the minds of more than an insignificant portion of the nation (2) There should be a sense in the nation that no single class of any importance in the community is permanently excluded from power (3) It should be built upon widely defused habits of tolerance throughout the nation Men must not run to suppress criticism of things as they are, rather they must be willing if pressed to invite its examination " To these may be added the willingness of the minority party or parties to accept the decisions of the House for the time being as their own, and try to oust the majority by effective criticism and constructive suggestions, and finally existence of not more than two or three political parties within the legislature

In India the people are divided into many groups based on religious differences The two major groups are so widely different in their ideals that it is almost difficult to reconcile each other Muslims want Pakistan while the other group pleads for Akhand-Bharat The differences between the two groups are, however, so exaggerated that even such innocent measures as prohibition, sale tax, and tobacco tax, were given a communal tinge when they were forged Besides these two groups there are further smaller groups within these groups Mr Jinnah proposes one kind of Pakistan while Sir Feroz-khan Noon has another scheme of dividing India Sir Sikander Hayat Khan, Mr Allah Bux and Mr Fazl-ul Haq are opposed to Pakistan In the Punjab there is a great controversy between the Sikhs and the Muslims Each province has got its own communal problem The different groups and parties are so jealous of each other that each wants to enjoy all power and shape the destiny of the whole people They would not consider and think over the proposals of other parties with a cool mind and would begin to criticise a bill because it is a proposal of a party other than their own Parties have got little or no tolerance Minority party or parties are not willing to accept the decisions of the House as their own They act in accordance with law, passed by the legislature, because they have no other alternative They have not got patience to give a fair trial to the decisions

of the majority party. On account of the religious differences it is difficult, rather next to impossible, for the minority party to convert itself into majority.

In regard to political parties, India, under the present system of elections, introduced by the Communal Award (for the abolition of which there seems to be no hope in the immediate future), has produced political parties akin to those in the post-war Republican Germany. In recent years the cry of Pakistan has introduced a further disturbing factor in the not already smooth conditions of Indian political life.

The conditions necessary for the success of one-party government do not seem to exist in India, nor can they be enforced by mere wishful thinking. Muslims, Sikhs, Scheduled classes, etc., have got little confidence in a party other than their own. Therefore each community wants that its rights should be secured and guaranteed by the constitution. Under such circumstances the working of one-party cabinet government will become very difficult.

Conditions necessary for the satisfactory working of the coalition government too do not appear to be present in India. Generally coalitions are made as a matter of political necessity. Unless the majority party is forced by circumstances to form coalitions they would not like to include members of other parties in the cabinet. Congress wanted to establish harmonious relations with the Muslim Leaguers and therefore included a few members of the League in its cabinets in the provinces where it was in majority, but this did not satisfy the Muslim League for the League considered such members as "show-boys".

Government to retain its hold on the people must give the promise of great results. If it fails to do so the electorate will look elsewhere for them. A coalition government cannot hold out such promise to the electorate for coalition governments are by nature weak governments. They cannot carry out vigorous programmes. Parliamentary Government did not function satisfactorily in Republican Germany because people wanted radical reforms, and while the Parliamentary Government was slow to bring about those reforms Germans got them under one-party government. Indians, like Germans, are keen for radical reforms. They cannot wait and be temporarily satisfied by the slow working of the coalition

government There may be short-term remedy in the coalition but it cannot be a permanent feature of the Indian constitution

Parliamentary executive based on the principles of one-party executive or on principles of coalition would either be unpopular or weak The conditions in India for several years after the introduction of any new constitution at the end of the present war would necessitate the introduction of vigorous measures of social, economic and political reforms Such an experiment in a vast country like India would need for its success governments which can retain public confidence for long terms Then at the centre the co-operation of the Indian States in an All-India Polity would be needed The problem of the minorities, whether cultural, religious or economic, needs then tacit, if not very active, co-operation which would be forthcoming only when they find a reasonable chance of influencing, if not actually determining, the policy underlying the various governmental schemes Such co-operation can be available, and the consummation of the ideal of an All-India Polity achieved, by adopting the system of collegiate executive, more or less, on the Swiss model Indian conditions are more akin to Swiss than Australian or British As Switzerland is an agricultural and pastoral country and is densely populated, India too is an agricultural and pastoral country Ninety per cent of the population lives in villages and rural areas The main occupation of Indians is agriculture As there are physical barriers in Switzerland so are in India The Vindhya Ranges divide India into two parts and on account of these ranges there are great differences between the people of Northern India and Southern India Swiss population is divided to an extreme degree by differences of nationality, language and religion German, French, Italian and a peculiar dialect known as "Romansch" are the main languages that are spoken in Switzerland The Swiss people are religiously divided into three sections—Protestants, Roman Catholics and Jews Religious lines in Switzerland follow the most bizarre direction due chiefly to complicated historical and geographical causes In India no less than a dozen languages are spoken throughout the country Hindi, Urdu, Bengali, Panjabi, Tamil, Talagu, Marathi and English are the im-



portant languages that are spoken. Perhaps no other country has got so many religions as India has. Hinduism, Islam, Christianity, Zoroastrianism, Sikhism are the main religions of India. The followers of these religions can be found all over the country. This is due, as in Switzerland, to historical and geographical causes. The political conclusion that can be drawn from the social conditions prevailing in India and Switzerland is "a people divided by so many geographical barriers, so divergent in language and religion, and also it may be added, in race and customs, must needs provide ample leeway in its governing machinery." So an executive more or less on the Swiss model is recommended for trial. In such an executive representatives of various interests should be elected by the method of single transferable vote. The number of cabinet members at the centre should not exceed twenty, otherwise it would become unwieldy and difficult to work harmoniously as an executive. The seats for the representatives of various interests should be fixed according to the strength of the parties in the legislature. It will give an adequate representation to various groups. The term during which the members of the executive are to hold office should be concurrent with the term of the legislature and should not be removable by a vote of no-confidence. The members are to be chosen from the legislature and not from outside. Generally those who will be elected to the executive body will be the leaders of the parties within the legislature and they will exercise their influence in getting support from their party members when a bill is introduced in the legislature by the executive. The term of the executive, as said above, should be fixed, but the members may be removed by special majority for special reasons, *e.g.*, when there is a national crisis. The executive councillors may choose their own leader who may be called Prime Minister. The Prime Minister may conduct the business of executive meetings and make a preliminary examination of matters presented by the various departments for the consideration of that body as a whole. He must see that the matters handed over to the various departments are duly acted upon. In urgent cases he may be empowered to take action in the name of the executive. For the whole conduct of business the executive should be made responsible to the federal legislature. It must render detailed

reports of all its transactions and these should be subjected to the most thorough scrutiny and discussion by the Federal Assembly. The latter should not take administrative affairs into its own hands, but it may frequently issue binding instructions to the executive body with regard to such matters. The budget may be drawn up by the executive. The executive should be empowered to execute compromises or arbitral decisions in disputes between states or provinces. It may be given the power to constitute committees on some matters of importance with the object of inviting opinions of experts.

Such an executive council will be representative of all the parties in the legislature and the representation of these parties in the cabinet will be proportionate to the wishes of the electorate. Therefore no party and the electorate will have any complaint regarding the inadequacy of its representation on the executive body. This executive will not be based upon a party in majority in the legislature. Such an executive at the centre would give chance to all communities to work together in the furtherance of common good, dispelling fears and inspiring confidence so vital to the success of government. At the same time the introduction of similar executives in the provinces, composed of, say, six to twelve members according to the size and needs of the provinces, would give a reasonable chance to the Muslims in Muslim majority provinces and to the Hindus in the rest to exercise power, in their respective territories, and yet safeguard the interests of the minorities.

The whole scheme of composite governments with fixed terms and charged with the duty of carrying into execution the decisions of the legislature would and ought to satisfy those who cry for a Pakistan without, however, actually Balkanising India and weakening it.

## THE REVISION OF DEMOCRACY

By

DR A APPADORAI,

*Loyola College, Madras*

The theory of democracy received its classic exposition in Mill's *Representative Government* (1861). In its essentials, its thesis is still valid—Democracy is superior to other forms of government because the rights and interests of every person are secure from being disregarded only when the person interested is himself able and habitually disposed to stand up for them, and the general prosperity attains a greater height and is more widely diffused in proportion to the amount and variety of the personal energies enlisted in promoting it. It works properly only if the people are willing to receive it and are willing and able to do what is necessary for its preservation and to fulfil the duties and discharge the functions which it imposes on them. It is defective if it does not concentrate in the hands of the authorities power sufficient to fulfil the necessary offices of a government, or if it does not sufficiently develop by exercise the active capacities and social feelings of the individual citizens. It has to guard itself against two dangers—general ignorance and incapacity in the controlling body and the possibility of its being under the influence of interests not identical with the general welfare of the community.

The working of democracies since Mill's time has only confirmed his fears as may be seen from Bryce's *Modern Democracies* (1921). Ignorance, indolence, private self-interest and partisanship, slowness and inefficiency, the instability of the Executive, the unwillingness of the best men to enter politics, irreconcilable opinions and direct action, the unwillingness of minorities to abide by the decision of majorities—these defects have driven sane observers to denounce democracy as an imposture and a delusion. The reappearance of autocracy in a number of major states, the rise of new political theories such as Fascism and Communism, and the growth

of authoritarian trends even in the democratic states (for instance, over centralization and the strengthening of the power of the Executive) are other indications of the growing dissatisfaction with democracy. Again, the economic and political results of Scientific development in a world of Sovereign but interdependent states have become clearer since Mill's day. Within the State, intervention by government has everywhere increased, not only in the economic and social but in the intellectual field, the control of the radio and other educational agencies enabling it to manufacture opinion, externally, the security of democracies is perpetually at stake. Somewhere the doctrine of popular sovereignty as conceived by its apostles seems inconsistent with the essential facts of human experience. A re-examination of its political principles seems necessary.

Democracy may be described as a system of government under which the people exercise the governing power either directly or through representatives periodically elected by themselves. This is the older, and in the writer's judgment, more fundamental conception of democracy. There is, however, an influential school of thought which considers democracy as a form of society, a way of social life, the chief characteristic of which is equality (not only political but social and economic). This divergence in conception is not merely a difference in nomenclature; it raises the fundamental question: What is the basis of democracy?

The basic ideal of democracy, we suggest, is liberty not equality. This means that a state may, in political science, be termed a democracy if it provides institutions for the free expression and, in the last analysis, the supremacy of popular will on basic questions of social direction and policy. Other factors such as economic equality, fraternal feeling and the small size of the state are desirable and make for its successful working—the optimum of democracy, political liberty is the indispensable minimum. Economic or social equality has not been attained in Britain —“There is no political idea,” said Gladstone, “which has entered less into the formation of the political system of this country than the love of equality.” A political science which, therefore, rejects the title of Britain to democracy is unlikely to apply to a world of realities. What are we to think of a science

of Anthropology which restricts the term 'man' to the best developed among men in character and intelligence?

The content of political liberty has differed in different countries at different times, but its essence is the right of every man bound by decisions to contribute whatever it is in him to contribute to the making and re-making of those decisions. Its institutional expressions are the equal rights of all normal adults to vote and to stand as candidates for election, periodical elections, equal eligibility for executive and judicial office, (provided the essential qualifications for the performance of the duty are satisfied) and freedom of speech, publication and association. These rights provide the opportunities for political participation—for choosing the rulers and deciding the general lines of their policy. They enable those who are so minded to devote themselves to political problems as much as they please. Differences in the social environment, in economic resources and in natural endowments decide the extent to which these legal rights are effectively used, but even to those who are the least politically minded, they afford the opportunity to pass judgment freely and frequently on the work of the political engineers whose decisions affect their lives. Political freedom is thus based on the principle that no man or group of men are, by themselves, good enough to determine the destinies of others. Only the wearer knows where the shoe pinches.

The right to political participation is thus at a minimum basis identical. But this democratic idea of political equality does not imply, as has sometimes been wrongly interpreted to mean, 'one man, one unit of influence'. Neither in theory nor in practice is that idea true. Democratic theory has for long recognised the position that the aristocratic principle of the primacy of the few permeates every domain of life. Did not Mill say in forceful language 'One person with a belief is a *social power* equal to 99 who have only interests'? Again "the instructed minority would in the actual counting count only for their numbers, but as a moral power they would count for much more, in virtue of their knowledge, and of the influence it would give them over the rest". In other words, the differences do make themselves felt in the discussion which precedes the voting. In fact, the Central problem of democracy is how to ensure free play and effective fulfilment to the opinions of men of

character and knowledge, so that they may counteract the forces of corruption and unreason. The emphasis on discussion as a cardinal tenet of democracy loses its value if it did not implicitly recognise that men should be influenced by the wisdom of others and therefore one man's real influence is not equal to that of another.

Political participation is the avenue to political freedom in the sense that it gives everyone a voice in determining the conditions under which he lives, and thus, in theory at any rate, prevents oppression by the one or the few. But, clearly, it is by itself insufficient to secure freedom, because the individual or a group may be tyrannised over by the community as a whole, *i.e.*, in effect the majority. Rousseau, the prophet of democracy, has said that the sovereign general will, which is by definition always directed to the common good, may *force* the individual to be free'. It is no answer to this to urge that life in any state involves such subjection, for, this is to give up even in principle the superiority of democracy to other forms of government. The provision of institutional safeguards for the rights of individuals or minorities, through electoral devices, for instance, does not also solve the crucial problem, for, in so far as it still leaves the majority free to decide, it falls short of the ideal.

The ideal of liberty in relation to democracy must, therefore, mean something more than political participation. It involves, secondly, a view of the sphere of the state in relation to the individual and the way in which the rights of the individual are interfered with—briefly, of the content of laws and the process of legislation. That view, which may be called liberal, is that the ultimate purpose of man is man himself, the state is a means to the development of individual personality and not an end by itself. Therefore, there are limits to state action. Totalitarianism and Democracy are, from this point of view, opposites. The former considers man as a means to the State's end, it recognises no limits to state action, for 'there is nothing beyond the state, nothing against the state; nothing outside the state'. Rights are but the creatures of the state. As against this view, Democracy stresses the primacy of personality in matters spiritual. Rights are not derived from the state, but its conditions precedent, which it is its duty to recognise. They are derived from the moral order underlying social relations.

The aim of democracy is to enable the individual to think and express what he likes, to plan his way of life in his own way and to grow to his natural height without dictation from outside, provided he does not interfere with the equal freedom of others and *does not exploit the weakness of others to his private advantage*. Its ideal is a free and functional society in which opportunities are organised in such a way that no man's personality suffers frustration to the private benefit of others. The extent of state action will necessarily vary with the extent to which this ideal is attained.

It is important here to stress how far opinion on this subject has moved since Mill. His famous doctrine of individuality is no doubt still valid in its insistence on individual initiative as the key to individual and social progress. But the *laissez-faire* doctrine which held that every individual knew his own interest and was capable of obtaining what he wanted under free competition is now seen to be crude and productive of the most mischievous social, or rather unsocial, results. Mill, it is true, was not wholly for *laissez-faire*, but with all the modifications he made, he would still leave trade and industry largely free. Greater State regulation in order to moralise competition is the key-note of modern social legislation and is quite in accordance with modern democratic theory. While the democratic state does not set up a pattern of good life, it has to provide the conditions under which good life is possible, its activity has, therefore, to be attuned to that end.

Democracy differs from Totalitarianism, we said, not only in the extent of state interference but in the way that interference is effected. The essence of that difference is that in the democratic theory, law is not only a command, but an appeal. It is an appeal to the reason of man that a change in the social system is necessary. Democracy, as has aptly been said, is social control not by authority from above commanding man to do this and that, but social control by a common law which defines the reciprocal rights and duties of persons. Equally important it is that the law emerges as a result of free discussion. The process of lawmaking allows full scope for the consideration of different and possibly opposing viewpoints. There is a judicial element in legislation: law is a judgment rendered for certain interests against cer-

tain others. When, therefore, with the evolution of new ideas and needs, a change in social behaviour is called for, even those who are adversely affected must feel that their case has been properly heard, and they must not feel the change acutely distressing. That is best done by taking care to avoid violent changes, and to preserve all such constituents of the existing order as are valuable or are not particularly harmful. Where it is not necessary to change, it is necessary not to change. In the expressive words of a French writer, the law to a certain extent should correct national tendencies, it should be loved a little because it is felt to be just, feared a little because it is severe, hated a little because it is to a certain degree out of sympathy with the prevalent temper of the day and respected because it is felt to be necessary.

This emphasis on the gradualness of legislation is connected with an essential principle of democratic theory, *viz*, majority rule. The moral ground for the acceptance of a majority decision is not that to count heads is better than to break them, the minority may have the greater physical strength. It is not also that the majority may always express the better reason, but the fact that the 'majority is simply the largest number willing to work, together for a particular time'. Government by majority is simply the easiest form of Government by sympathetic co-operation, without which modern government is impossible. But the minorities acquiesce in the decision of the majority, not only because they know 'they will have their day,' but because they feel that every effort has been made to understand and meet their point of view. Majority opinion in a democracy must be such that while the minority may not share it, they feel bound by conviction and not by fear to accept it, though only as a second best, and if democracy is real, the submission of the minority must be given ungrudgingly, remembering that the majorities also have rights. That requires a give-and-take, a balancing of interests, which is necessarily slow. Gradualness and tolerance are essentials of the democratic method of legislation. It is, however, necessary to insist that such a temper is difficult to secure in a society where there are deep cleavages concerning their fundamental institutions. It is difficult, for instance, to secure compromise where a strong minority



believes passionately that private property is theft, whereas the majority believes in its sanctity. Strong differences in the cultural outlook of different social groups also create the same difficulty.

That is perhaps why political theory has on the whole agreed with Mill that it is in general a necessary condition of free institutions that the boundaries of government should coincide in the main with those of nationalities. The sense of belonging together creates a readiness on the part of the members of a state to subordinate their differences to the common good. There lurks, however, in this coincidence a danger, pointed out by Lord Acton, to which too little attention has been given. That danger is that under such conditions, the majority may be tempted to increase the sphere of political regulation and enforce ways of behaviour which are akin to totalitarianism. Said Acton, "The presence of different nations under the same sovereignty is similar in its effect to the independence of the Church in the State. It provides against the servility which flourishes under the shadow of a single authority by balancing interests, multiplying associations and giving to the subject the restraint and support of a combined opinion. In the same way it promotes independence by forming definite groups of public opinion and by affording a real source and centre of political sentiments and of notions of duty not derived from the sovereign will. Diversity in the same state is a firm barrier against the intrusion of government beyond the political sphere which is common to all into the social department which escapes legislation." Whether one may agree with this idea or not, it at any rate shows that one method of increasing the sense of political freedom in a country with fundamental social cleavages is the strict limitation, not the extension, of state activity.

With all safeguards, it is idle to deny that the tendency to give free play to the will of the majority is a permanent danger to the freedom of minorities in popular government. And, therefore, in the final analysis, liberty must imply the moral right of the individual to resist the State. This right is no doubt conditioned by three factors: the individual cannot resist to it, unless he has employed constitutional methods to attain the object he has in view, he must make sure, so far as may be, that the proposal which he advocates is better for the common

good than the alternative offered by the State, and resistance is to be used only for what may be called significant issues, as distinguished from minor matters of detail. Truly, as Burke said, the right to resist must be the medicine and not the daily food of the constitution.

If liberty is the first essential, and therefore the determining principle of democracy, the provision of adequate opportunities is a close second, it makes liberty possible. This is the main direction in which democratic theory has advanced since Mill: that political liberty, unless it is based on adequate opportunities for the individual to develop his personality, becomes unreal, democracy becomes in effect oligarchic.

By adequate opportunities we mean a basic equality in those conditions of social life which are essential to enable the individual to realise his personality—access to knowledge through a system of state-aided free education, security against unemployment, a minimum wage (which should include provision against sickness and for old age), coupled with fair conditions of work, leisure and some voice in determining the conditions of work to guard against economic slavery. This implies that vast disparities in the distribution of national wealth should be progressively reduced. The connexion between such a postulate and effective democracy is clear, men languishing in want and living under insecure and deleterious conditions of work can hardly be blamed for not taking that intelligent part in government which democracy demands. Great accumulations of wealth also lead to an undue influence of money power in politics with all its attendant evils.

It is remarkable that democracy, starting with political liberty and minimum political equality, should contain within itself the seeds of its own expansion. For, the claim of equality, once awakened in the masses, develops from an opposition against unjustified political privilege to opposition against unjustified economic privilege. They use their political power to provide educational and economic opportunities. But the possible danger is—and the possibility is becoming a probability—that the claim of equality might develop further into an opposition against inevitable economic and social inequalities. Socialism is demanded as the next step in democracy.

The debate between Capitalism and Socialism, or the outline of an ideally perfect economic system is largely outside the scope of this Essay. But the provision of adequate opportunities, which we considered a support to democratic freedom, raises certain issues which cannot be ignored —(i) We assumed in the last paragraph that the masses in a democracy use their political power in order to secure those conditions of life which help them to develop their personality. Has this attempt a reasonable chance of success within the frame-work of a modified capitalistic economy and under democratic conditions discussed above? (ii) Is Socialism, especially in its revolutionary aspects, helpful to democracy?

The answer to the first question must be to some extent a matter for speculation, but the facts we know indicate, notwithstanding impatient denials, that, given goodwill, understanding and patience, the masses in a democracy can secure the required conditions. These facts are: the main body of the working classes is absolutely (and relatively to the propertied classes) a good deal better off in terms of material well-being than it was a century ago, before the advent of democracy. According to Sir Josiah Stamp, the average level of real wages today is at least four times as high as it was at the beginning of the nineteenth century. Social legislation in its manifold forms—unemployment and Health Insurance benefits, old age pensions, the provision for the treatment of the sick, free education and the increase of amenities in general—has improved the lot of the common man in terms of vitality and happiness,—a longer life as well as more energy during life. These social services in effect give large numbers of people the benefits, if not the rights, of property.

This has obviously been made possible by the application of the progressive principle to taxation (steeply graded Income-tax, Death Duties, etc.) and the transfer of the money so obtained to the poor in two ways: by direct transfer of cash as in the payment of unemployment and old age benefits or by the provision of communal benefits such as better roads, schools, hospitals, parks, libraries, museums, etc. The increase of communal benefits really means that public property has grown relatively to private and that the inequality of distribution to

that extent has been reduced. A brilliant book recently published estimates that in England public property excluding roads and armaments has increased from 6 to 8 per cent of the total in 1911—13 to 8 to 12 per cent in 1932—34, and if roads and armaments are included in the valuation, it is said that the proportion would be raised to 11—17 per cent.

Other hopeful features are factory laws and the like are giving to property-rights a shape and content which make it more and more difficult for some men to exercise undue power over the lives of others. The increase in the number of joint-stock companies has enabled a wider diffusion of capital. In America, we are assured that, in addition to the increase in the standard of living, there is a constant passage of individuals from the ranks of the workers to the class of employers and *vice versa*.

Above all, the middle class, lying between the rich and the poor, has increased considerably both in relative numbers and in social importance. Grading the people by numbers of families, in 1934, 21·3 per cent of the families in England received from £4-10 a week—as compared with 73·4 with less than £4 a week and 5·3 over £10. Great inequalities still continue, but the rise of the middle class is a social factor of great importance.

As to the possibility of such continuous improvement in the future, it is sufficient to quote the high authority of John Maynard Keynes. 'In a hundred years' time, the standard of life in progressive countries will be between four and eight times as high as it is to-day.' The author of *Economic Consequences of the Peace* can well be believed.

But Socialists, especially of the revolutionary school, deny such a possibility. According to them, the limit of expansion within the existing economic system has been reached. Poverty, inequality and the irregularity caused by the trade cycle cannot be removed except by abolishing private capital and private enterprise. The Communists believe further, that, according to the materialistic interpretation of history, the class-war between the capitalist and the proletariat is to be resolved, not by constitutional methods, but only by a revolution, the dictatorship of the proletariat and the liquidation of classes. Ultimately the state will wither away and society will be reorganised.

on the principle, 'From each according to his capacity, to each according to his needs'

What is the relation of this Communist thesis to the theory of democracy? Fundamentally it means a disbelief in discussion, gradualness, and appeal to reason, which are implicit in political liberty, and a belief that the provision of adequate opportunities is insufficient as a basis of that liberty—that there must be absolute equality not only proportional. Briefly, it raises the question both of the ideal to be attained and the method of attaining it

On method, it appears to the writer, the fundamental mistake of Communism is that it ignores the wholesome moral principle that good ends can be achieved only by the employment of appropriate means, that the end cannot justify the means for the simple reason that the means employed determine the nature of the ends produced. "Revolutions have never lightened the burden of tyranny," said John Tanner, "they have only shifted it to another shoulder." Further, it exaggerates the abuses of private property and minimises the evils of power. Did not Acton say, all power corrupts and absolute power corrupts absolutely? Again its theory of materialistic interpretation is built on the idea that reason is the natural instrument of animal desire, but does not the same animal desire continue to drag reason along with it in the future society? Is man's animal nature so malleable as to be turned into an instrument solely of social service—and that by means of violence and bloodshed? The class-war theory is not founded on facts, as the Fascists recognise. The Marxian analysis of society into the Haves and the Have-nots is too simple to be true. What we in fact find is a social structure with several classes (not entirely rigid) having varying degrees of economic freedom—government servants, professional classes, independent artisans, wage-earners, farmers, agricultural labourers, employees, middlemen, etc. Even if we take the working classes alone into consideration, it is difficult to find a homogeneity either in efficiency or in disposition, the interests of the different groups are sharply opposed, for instance, those of the skilled and the unskilled. Even assuming that all labour is homogeneous, the theory takes for granted that such a group is confronted by a general monopoly on the part of the employers which is not the

case The inevitability of revolution is a figment of the imagination, for, even granting that there is a tendency to it in the capitalist economy we may do our best to alter the course by timely measures Economic tendencies are altered by the very fact that we study them

A true theory of politics, we suggest, depends above all upon the rejection of communism because it takes too gloomy a view of the past and the present and too optimistic a view of the future Political enquiry deals with man as he now is and with the change in the organisation of his life that can be made during the next few centuries, political and economic institutions must be made for human beings as they are or as they are capable of speedily becoming From this point of view, the widest possible diffusion of ownership, instead of the concentration of capital in the state, seems the more desirable ideal, for, where means of livelihood are controlled by the state, there is the perpetual danger that the real holders of the state power may obstruct the self-expression of those who work under them, Socialism may then be felt to be a return to despotism But until that ideal is attained, a social system in which no one is so much richer or poorer than his neighbour as to be unable to mix with them on equal terms, and in which everyone has a fair start in the adventure of life, is all that is demanded by democracy

Economic practice and theory are slowly discovering the outlines of such a system A Capitalism transformed so as to combine safeguards for public interest with scope for private ownership and initiative, public supervision to be proportionate to public interest, seems to be its essence A central planning machinery with a view to increase efficiency in production all round, the nationalisation of public utilities and their direction for public ends with adaptable commercial business management through the public corporation, the encouragement of consumers' and producers' co-operation to eliminate the middleman, the organisation of marketing, the avoidance of large fluctuations in the demand for capital goods through the control of the rate of interest and a wise public works policy, the development of the Investment Trust for the rational direction of the flow of investment, the limitation of profit, minimum and maximum wage, the collaboration of capital and labour in joint

councils or corporations on the model of the corporative state, income and inheritance taxes—these are among the methods canvassed to secure the object. Details apart, the economic basis of a free society should be a basic equality, the differences to be the outcome of genuine variations and explicable in terms of the common good. This will naturally lead to the predominance of the middle class in society, which Aristotle considered the greatest bulwark of stability in the state. The principle of the mean is the safest one. democracy is corrupted not only when the spirit of equality is extinct, but likewise when the citizens carry it too far. The Landlord of the 'Rainbow' in *Silas Marner* had firmly grasped this truth when, after having listened to hundreds of political discussions, he framed his formula, 'the truth lies atween you, You're both right and both wrong, as I allays say'.

# A SCHEME OF CULTURAL AUTONOMY AS A SOLUTION OF THE PROBLEM OF MINORITIES IN INDIA\*

By

MR. MOHAMMED ASIF KIDWAI, M A ,  
*Research Student, Lucknow University*

The problem of minorities in India has been progressively deteriorating during the recent years. It has been moving in a vicious circle: the problem of minorities cannot be solved unless India is free; India cannot be free unless the problem of her minorities is solved. Now it has been realised that its solution cannot be delayed any longer, for to cause delay in it would amount to digging the grave of India's aspirations. The whole problem, at present, revolves upon the Pakistan issue. Mr. Jinnah demands that the British Government and other Indian parties must recognise the right of self-determination of the Muslims and pledge to give effect to the verdict of a Muslim plebescite regarding the Pakistan scheme. The Indian National Congress and other Hindu organisations have unequivocally declared their opposition to any plan which threatens the unity of India. The result is the present deadlock. This situation has been summed up by Mr. Gandhi as follows — "If Pakistan is an article of faith with Mr. Jinnah, indivisibility of India is an article of faith with me. Hence there is stalemate."

Since the concentration of Japanese forces on India's eastern frontier and the failure of the Cripps' Mission, a number of schemes aiming at reconciling the diametrically opposite stands of the Muslim League and the Congress have been suggested. The 'Mukerji Plan' which is also known as the 'Scheme of Cultural Autonomy' is one of them.

Professor Radha Kumud Mukerji of Lucknow University, who is the author of this scheme, explained it in

---

\* A paper submitted to the Indian Political Science Conference, Fifth Session, Agra, Jan. 1943



the last September at a Press Conference in Lucknow. According to him, his scheme is based upon the model of the Soviet Union where it has been possible to bring together as many as twenty-six different nationalities. In brief, Prof Mukerji suggests that all the differences of communities which the communities concerned consider vital to their interests (and which he places under the three categories of Language, Race and Religion) "should be kept outside the jurisdiction of popularly elected legislatures or the rule of majority and should be administered by the community concerned whose self-government or autonomy in this regard is to be recognised in law". And in all other matters, *e.g.*, "social and economic schemes, the problem of agriculture, industry and commerce, of law and order" the communities should work together on the basis of common Indian citizenship.

Prof Mukerji had an opportunity of discussing his plan with Mr Jinnah, who pointed out that "safeguards, constitutional or otherwise, will be of no use so long as there is a communal Hindu majority in the Centre. The safeguards will only remain on paper". Prof Mukerji's answer to this objection is that as the rights of minorities will be protected by law and the constitution "the constitution may set up separate legal machinery to deal with and enforce the safeguards" like the Supreme Court, to which an aggrieved community will be at liberty to take its grievances. The composition of such a supreme court may not be communal. The Hindus have never objected to the present composition of India's Federal Court where there is already an equality of representation in the personnel of its Judges as between Hindus and Muslims.

Prof Mukerji's view that his scheme is based upon the method which the Soviet Union has adopted in dealing with the more difficult problem of its nationalities does not seem to be correct. There a conscious and deliberate effort has been made to achieve the position of 'un-national state, which has been made easy by the dictatorship of the highly centralised Communist Party which suppresses all matters of local interest and its members in the various autonomous republics owe their allegiance to it and not to their republics. The difference between the two is obvious. While Prof Mukerji advocates cultural autonomy for communities, the Soviet Union has

established autonomous republics and regional units distinguished by a particular cultural-national character and these republics are allowed reasonably wide administrative cultural and economic autonomy, *i.e.*, all the nationalities have not only been given the status of absolute equality, but they have also been allowed considerable economic and administrative autonomy in the regions in which they dominate. In order to further set the fears of nationalities at rest, the Soviet Constitution has allowed these republics even the power of seceding from the Union. And moreover there is no supreme judicial body in the Soviet Union to protect the cultural autonomy of the nationalities against the executive or the legislature. In fact, Prof Mukerji seems to have taken some features from the scheme of the Soviet Union and some from the League of Nations' system of international protection of Minority Rights and loosely combined the two.

Like all other schemes, the 'Mukerji Plan' also makes the old mistake of considering the cultural and religious issues as the sole basis of the communal differences. The minorities do not only want the protection of their cultural rights but also desire to have a real share in the government and administration of the country in order to assure against the encroachment upon their rights by the majority. One of the reasons of the failure of the League of Nations Protection of Minority Rights was that the minorities had not been given any definite political power in the countries in which they had been placed. Prof Mukerji's contention that "members of all communities may cheerfully take their place and cooperate as the citizens of the common state" if only the matters of common interests are to be administered by the methods of democracy does not satisfy the demands of Muslims who feel that a popularly elected legislature, where decisions are reached by the process of numerical majority and where in the nature of things they would be in the ratio of 1 to 3 cannot be a reservoir of their interests which are not confined only to the domain of culture. The Congress Ministries under the Act of 1935 were denounced from all the platforms of Muslims for having disregarded the Muslim interests in spite of the fact that the problems of "Language, Race & Religion" are outside the jurisdiction of the Provincial Ministries created by the said Act.

Again, the suggestion that the Constitution should create a supreme judicial body to deal with and enforce the safeguards is defective. Apart from the argument that there is nothing to prevent a sovereign State from revising, altering or amending its constitution, or going back upon its past decisions, the judges who will constitute it will have to be appointed by the executive, which, according to the democratic principles, would in turn depend upon the legislature elected by the democratic method of numerical majority. And cases are not wanting in which the executive has taken a convenient hand in the appointment of judges. Even in the United States of America, where the Judiciary is regarded to be the most powerful in the world, some Presidents have been accused of nepotism in the selection of judges to the Supreme Court. Mr. Roosevelt was also reproached for having acted in the like manner. Prof. Mukerji further says that "the composition of such a Supreme Court may not be communal" and in this connection he has given the example of the present Federal Court. The equality of representation in the personnel of its judges is due to its Chief Justice who has to be an Englishman. How can Prof. Mukerji conceive of a Supreme Court of a non-communal composition in the absence of the external agency? And besides, how can the legislature or the body-politic of a Sovereign State allow their jurisdiction to be permanently crippled by the Supreme Judicial body.

Thus it would appear that the 'Mukerji Plan' is only a patch-work and does not solve the intricate communal problem of India. The basis of the scheme, *i.e.*, "all the conceivable differences between the communities may be brought under the three categories of Language, Race and Religion" is incorrect. The principle of constitutionally guaranteeing the cultural rights of the communities falls short of the Soviet Union's model and is only a magnified version of the Congress Scheme which is defined in its Karachi Resolution of 1931, on the Fundamental Rights and Duties, and the suggestion of the Supreme Court is identical to the Permanent Court of International Justice which was established for protecting the rights of minorities under the League of Nations. The problem of Minorities in India has assumed gigantic proportions and it cannot be solved by such devices. But,

at the same time, the solution suggested by the Muslim League also does not lead us anywhere. In fact it leaves the problem unsolved. Even if the demand of separate Muslim homelands was granted what would happen to the Muslims who would be left in the Hindu India which will be by far the larger part of the country. Mr Jinnah has confessed that the division of India will not affect the position of the Muslims residing in the rest of India. The Lahore Resolution of the Muslim League provides for "adequate, effective and mandatory" safeguards for minorities in the Muslim zones and asks for similar protection for Muslims inhabiting Hindu India. Thus all the arrangements for safeguarding the various interests of minority communities will have to remain in force. It is often suggested from the Muslim League circles that the existence of Sovereign Muslim States will restrain Hindus from according unjust treatment to the Muslims residing in Hindu India and *vice-versa*. In this way, reprisals and other retaliatory measures are expected to create cordial relations where good will and toleration are being said to have failed.

The minority problem in India remains unsolved on account of the spirit of nationalism which pervades the two major communities. The phenomenon of the Hindu Nation attempting to dominate India, and the Muslim Nation struggling to have "a place in the Indian Sun" has created a dangerous situation and in order to meet it the establishment of an unnational State on the Soviet model must be planned and an attempt should be made to create an economic equality among the various communities.

# PROVINCIAL AUTONOMY UNDER THE GOVERNMENT OF INDIA ACT, 1935      SOME OBSERVATIONS\*

By

DR P N MASALDAN,

*Lucknow University*

The idea of autonomy for the Indian Provinces which received a strong impetus from the proposal for a federal solution of the all-India aspect of the Indian constitutional problem, is a development mainly of the post-1918 era of the constitutional history of that country, and the establishment of Provincial Autonomy under the Government of India Act of 1935, as marking an advance in the introduction of responsible self-government, from the level of the local bodies to that of provincial government, is only a manifestation of the evolutionary course of the main currents of that history

Under the Act of 1935, Provincial Autonomy as a relationship between the Centre and the Provinces, does not provide a picture of political units fully independent within their sphere,—as a general idea of federal constitutions or of orthodox federal theory would make one imagine

The autonomy of the Indian provinces is restricted not only by enumeration—on the whole, reasonable—of subjects over which it has, or can have, jurisdiction, the allotment of residuary subjects being left to the discretion of the central Governor-General, but even in the administration of provincial subjects, by the provision of special safeguards

As far as the distribution of powers and the relations between the central authority and the Province go, the Indian provinces, which previously—as primarily administrative units in which responsible self-government was being experimented with—enjoyed devolved powers, have been granted a status which may be held as superior

\* A paper submitted to the Indian Political Science Conference, Fifth Session, Agra, Jan 1943

to that of the South African Provinces, approaching that of the Canadian but far inferior to that of the Australian states

In the case of South Africa, the units, though originally separate political entities (colonies), due to special circumstances, gave up most of their independent authority for a radically different position of great subordination to the Union Government, in the case of Canada, where federation resulted from centrifugal tendencies that culminated in the division of Quebec in 1791 into Upper Canada and Lower Canada, to be reunited, along with other provinces, only by, (the Union of 1840 between the two Canadas having proved distasteful to both), a federal bond, the Provinces were given only specific powers, but the Provinces in Canada have power to amend their constitution and though the residuary power vests in the Dominion, "Judicial interpretation has greatly reduced the force of this rule" and the power of the Dominion Government to disallow Provincial legislation is held in abeyance<sup>1</sup> In the case of Australia, where a federation was set up for erstwhile separate colonies to meet the increasing necessity for a union with a common Government, the states preserved most of their autonomous status, surrendering to the new Commonwealth Government only specific powers and retaining the unspecified, as well as constituent, powers, and direct relations with the British Government, their legislation being subject to disallowance only by the King who also appoints their Governors. It must also be mentioned that both the Canadian and the Australian provinces were anxious that the clauses of the Statute of Westminster, 1931, may not result in empowering their respective national Governments to encroach on their powers, and they did secure suitable guarantees in the statute itself<sup>2</sup>

But in the case of India, the task of federalism,— "the balancing of unity and plurality" or the securing of "the equilibrium of the forces of plurality and unity"<sup>3</sup> was made more difficult by a unique conflux of centrifugal

<sup>1</sup> See Keith *Constitutional Law of the British Empire Dominions*, pp 295, 296

<sup>2</sup> See sections 7-9 of the Statute of Westminster, 1931

<sup>3</sup> See Sobei Mogi *The Problem of Federalism*, Vol II, pp 1070, 1112

and centripetal tendencies based on diverse interests, Indian and British, which has resulted in the peculiar adaptation of federal principles in her constitutional scheme with its special restrictions on provincial autonomy and responsible government in the provinces

The Indian provinces still retain a semblance of administrative units without constituent powers though working ordinarily without federal interference which may be exercised for certain particular purposes, defined very generally in the constitution Act, as and when decided by the Governor-General, which again, it may be mentioned, is in accord with the course of Indian constitutional development in which centripetalism—in the sense of a tendency for a powerful Centre—maintained, despite and gradual increase in decentralisation of functions to the Provincial Governments which were later creations, a decisive supremacy

Within the provincial sphere, the autonomy of the Indian provinces can be suspended when, for special purposes, action is to be taken by the Governor under responsibility to, and control of, higher authorities<sup>4</sup>, and the principles of responsible government in the Provinces, which may be called the technical imperative of provincial autonomy, stop short

But such limitations are inherent in a scheme which denies sovereign power to any Indian authority and does not provide for a completely responsible central Government, for so long as sovereign power is exercised from outside India and at the Centre there are important reservations from the principles of responsible government, full autonomy and responsible government for the provinces would be an impracticable anomaly, as the 'special responsibilities' of the Governor-General cover horizontally, the provincial sphere also<sup>5</sup>. If India had Dominion Status as recognised by the Statute of Westminster, 1931, it would have been easier to avoid such restrictions in the constitution on Provincial Autonomy and responsible government

<sup>4</sup> See section 54, the Act of 1935

<sup>5</sup> Such as peace or tranquility of India or any part thereof, interests of minorities, public services (See section 12 of the Act of 1935).

As to how far the retention of complete responsibility from the hands of Indians for the sake of some 'special responsibilities' of the Governor or the Governor-General, is justifiable or necessary, is a controversial question and a knot in Indian constitutional advance. The operation of the constitution in the provinces generally, during 1937-39 has shown, by the minimum exercise by the Governor of his discretionary or reserve powers against ministerial advice, only that the dangers to safeguard against which the powers were vested in him never threatened responsible Government in the Provinces, to what extent this was due to the existence of the safeguards, it is difficult to find out.

The deadlocks, it must be noted, were based not on constitutional difficulties but political motives as was brought out also by the uniformity of policy followed with regard to them both by the Governors and the provincial ministers, controlled from above, had the uniformity been only a matter of constitutional practice, it should have been observed also later with regard to the 'Satyagraha' campaign in the different Provinces.

For on the whole, the constitution was worked during 1937-39 smoothly—a fact testified to not by Indians alone. This has a favourable bearing on the capabilities of the popular ministers as also on the adaptability of the Governor and the permanent officials to new conditions.

The working of the new constitution in the Provinces in general, during 1937-39 warrants further constitutional progress in India. There may be room for increase in the powers of the Provinces in an Indian federation in effecting which, however, the prime necessity of maintaining a healthy balance between unity and plurality should not be lost sight of, but in the main the advance must consist in the introduction of full responsibility in the higher level of government in India, with which grant of a fuller measure of independent powers for the Provinces, and the consequent modification in the position and powers of the head of the Province, would be fully consonant.



# THE WORKING OF THE PUNJAB AND NORTH- WEST FRONTIER PROVINCE JOINT PUBLIC SERVICE COMMISSION

BY

PROF VIDYA DHAR MAHAJAN,

*Fateh Chand College for Women, Lahore*

It was but natural that appointments during the period of the rule of British bureaucracy in India be made on the basis of selection or services rendered to the state. But as India began to progress on the path of self-government and the Indian ministers backed by the provincial Legislatures and the Indian electorate came to have control over the administrative departments along with the great power of patronage, it was considered necessary,—as suggested by the experience of U S—to set up Public Service Commissions to ensure the recruitment of persons of high character and calibre. The provision of these Commissions in the Government of India Act, 1935, was welcomed by the students of Public Administration. The object of this essay is to examine the working of the Commission in the Punjab and North-West Frontier Province.

Section 264 (2) (a) provides that two provinces may agree to have one Public Service Commission and it was in accordance with this provision that an agreement was made between the Governors of the Punjab and North-West Frontier Province on 24th April, 1937. According to the terms of the agreement, the Commission was to consist of six members, of whom four, including the chairman, were to be appointed by the Governor of the Punjab and two by the Governor of the North-West Frontier Province'. It was in accordance with this that the Governor of the Punjab by notification No 1916-G-37/-18817, appointed J Slattery, O B E , I P , as the Chairman and K B Nawab Muhammad Hayat Quareshi, C I E , Rao Bahadur Captain Chaudhri Lal Chand, O B E , and

---

<sup>1</sup> Annual Report on the working of the Punjab and North-West Frontier Province Joint Public Service Commission for the year 1937-8, Lahore, 1938, p 1

Sardar Bahadur Sardar Prabh Singh Chawla, I S E , M I E (Ind) as its members with effect from May 1, 1937 <sup>2</sup> Likewise, the Governor of the North-West Frontier Province appointed Mr W R Jones and K B Moghal Baz Khan, O B E , T O M , I D S M , to represent his province <sup>3</sup> As regards the expenditure, the North-West Frontier Province was to pay one-sixth of the whole and the Punjab the rest of it <sup>4</sup> Its headquarters were to be at Lahore <sup>5</sup> But the Commission was to have a separate examination centre for the North-West Frontier Province at Peshawar and interview the candidates there

In exercise of the powers vested in him by Section 264 (2), the Governor of the Punjab, by notification No 1760-G-37/18877, framed regulations regarding the number of the members of the Commission, their tenure of office, and conditions of service and also the regulations regarding the staff of the Commission The Governor is to appoint in his discretion four members, including the Chairman The normal period of tenure of the post of a member is to be five years But while making the appointments, the Governor may, for special reasons, fix a shorter period of tenure For special reasons, the Governor may extend the period of tenure in a particular case, year by year, upto a maximum period of three years He may, at any time, terminate the appointment of any member if he is satisfied that the member is unable or unfit to continue to perform the duties of his office (Regulation 4) A member is to vacate his seat on attaining the age of 65 But he may be given an extension by the Governor upto a maximum period of 6 months (Regulation 5) The Chairman is to receive a salary of Rs 2,500/- a month and other members Rs 2,000/- each But the Chairman or a member may in addition draw any pension to which he is entitled or to which he may thereafter become entitled (Regulation 7) No pension is to be given to any member (Regulation 11) Regulations 8 and 9 deal with the conditions of leave By Regulation 10, the Governor can make any officiating appointment in place of a member While the provision for a Secretary of the Commission is made specifically, the number of the officials

<sup>2</sup> Punjab Gazette, May 7, 1937, Part 1, Home Deptt, p 648

<sup>3</sup> *Ibid*, p 655

<sup>4</sup> Annual Report for 1938-9, p 3

<sup>5</sup> Annual Report for 1937-8, p 1

of the Staff of the Commission is to be determined by the Chairman in accordance with the needs of the Commission (Regulation 14) <sup>6</sup>

Section 266 (3) provides that the provincial Commission shall be *consulted* (a) on all matters relating to *methods* of recruitment to Civil Services and for Civil posts, (b) on the *principles* to be followed in making appointments to Civil Services and posts and in making promotions and transfers from one Service to another and on the suitability of candidates for such appointments, promotions or transfers, (c) on all disciplinary matters affecting a person serving His Majesty in a civil capacity in India, including memorials or petitions relating to such matters, (d) on any claim by or in respect of a person who is serving or has served His Majesty in a civil capacity in India that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in execution of his duty should be paid out of the revenues of the province, and (e) on any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in a civil capacity in India, and any question as to the amount of any such award. It is further provided that it shall be the duty of the Public Service Commission to advise on any matter which the Governor in his discretion may refer to them.

Although the scope of the Commission is already limited, further restrictions have been imposed by the Government notification No 1760-G-37/18874 issued by the Governor of the Punjab in exercise of the powers conferred on him by Section 266 (3) <sup>7</sup>. The regulations are known as Limitation of Functions Regulations. It is provided that the Governor is not bound to consult or refrain from consulting the Commission on any matter in which he acts in his discretion or in his individual judgment (Regulation 2 A). In those cases in which the Commission is to be consulted on the suitability of candidates for promotion from one service or post to another, it shall not be necessary to consult the Commission on the relative merits of the candidates, or in regard to any matter other than the suitability of a particular candidate for

<sup>6</sup> Punjab Gazette, May 7, Part I, Home Deptt, pp 652-4

<sup>7</sup> Punjab Gazette, May 7, 1937, Home Deptt, pp 648-51

promotion having regard to his qualifications and his record (Regulation 4) <sup>s</sup>

It shall not be necessary to consult the Commission on the suitability of candidates for —

(a) initial appointments to services or posts which at the time these Regulations came into force, are under the rules, applicable to the post or service, to be made by an authority subordinate to the Punjab Government,

(b) promotions or transfers from one service or post to another unless the service or post to which the promotion or transfer is made, is a service or post on initial appointment to which must be referred to the Commission

(c) officiating promotions or transfers to any service or post when at the time of making promotion or transfer, there is reason to suppose that the officiating promotion or transfer will be not more than six months,

(d) posts reserved for the officers of His Majesty's Forces (Regulation 5)

Regulation 6 lays down that it shall not be necessary to consult the Commission —

(a) on any original or appellate order connected with a matter of discipline when such order is proposed to be made by the authority which has the power of initial appointment,

(b) on any appellate order connected with a matter of discipline when such order is proposed to be passed by an authority to which the authority which passed the order appealed against is subordinate,

(c) on original order proposed to be made by the Punjab Government imposing the penalty of censure, suspension for not more than one year or the withholding of increments or promotion for not more than one year,

(d) on any order made by the Government on appeal in the above cases,

(e) on any petition or memorial connected with matter of discipline unless it is proposed to reverse a previous decision,

(f) on any case relating to the termination of the protection of any person, discharge or reversion of an officer otherwise than as a penalty, termination of employment of any person in accordance with the terms of con-

tract of his employment, imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time, or a case in which the Commission has at any previous stage given advice in regard to the orders to be passed and no fresh question has thereafter arisen for determination unless it is proposed to reverse the previous decision,

(g) on any order passed by the Government on matters connected with the posts that are not whole-time

By an amendment of the Regulations, the posts of the Assistant Demonstrator in the King Edward Medical College, Lahore, in the grade of Rs 125-7½-155, House Surgeons and House Physicians in the Mayo Hospital, Lahore, on Rs 95/-per month, Medical officers Casualty Department of the Mayo Hospital on Rs 95/- p m, Medical Superintendent and Resident Medical Officer of the Lady Aitchison College, Lahore, Panchayat Officers in the grade of Rs 75-5-125 p m, plus Rs 30/- T T, posts in the Punjab Service of Engineers, Class I in Irrigation Branch reserved for Europeans <sup>9</sup> England through the High Commission for India, Assistant Panchayat Officers in the scale of Rs 45-3-75 p m, and Panchayat Officers in the grade of Rs 125-10-225, non-gazetted posts in the Punjab Education Department and Work-charged appointments in the Punjab Public Works Department, were excluded from the purview of the Commission <sup>9</sup>

The Governor of the North-West Frontier Province also excluded the posts of European Matron and Nursing Sisters attached to the Lady Reading Hospital, Peshawar, Excise Sub-Inspectors and Naib Tehsildars <sup>10</sup>

It is clear from above that not only the functions of the Commission are very limited, being purely *advisory*, even in that sphere its scope has been narrowed by the notification issued from time to time. It is remarkable to note that while the Governor has used his powers under section 266 (3) to exclude certain cases from the jurisdiction of the Commission, the Provincial Legislature has not moved at all to increase the powers of the Commission as provided in section 267. The reason may be that which the Governor can exercise powers in this

<sup>9</sup> Annual Report of the Commission for 1938-9, pp 3-4

<sup>10</sup> *Ibid*, p 4.

connection in his discretion, the previous consent of the Governor in his discretion is required before the introduction of the Bill in the Legislature for the increase of powers (section 267) Be that as it may, the fact remains that the powers of the Commission are very much limited and much cannot be expected from in its present form

It is interesting to find that while the Act puts it as "the duty of a Public Service Commission to advise on any matter so referred to them and on any other which the Governor in his discretion may refer to them,"<sup>11</sup>

the advice so tendered is not binding on the Government. The Commission is merely consulted regarding certain matters. It is, however, encouraging to note the statement of the Commission that both Governments have adopted the convention that the advice of the Commission shall, save in exceptional circumstances, be accepted.<sup>12</sup> Experience shows that this rule is also being followed in actual practice

In 1937-8, the Commission gave advice on 100 cases (82 from the Punjab and 18 from North-West Frontier Province) in which it was proposed to fill vacancies by promotion. The recommendations of the Commission were accepted in all cases.<sup>13</sup> In 1938-9, 262 cases were referred to the Commission for promotion. 204 Cases were from the Punjab and 58 from the North-West Frontier Province.<sup>14</sup> In 1939-40, the number of cases fell to 243,<sup>15</sup> and 213 in 1940-1.<sup>16</sup> The figures for 1941-2 are not available

As regards appointment by transfer from one service or post to another, the Commission was consulted in 1938-9 regarding the suitability of a number of officers of the Punjab Civil Service (Executive Branch) for appointment to the post of Superintendent, Reformatory Farms, Burewala, One officer of the North-West Frontier Province Civil Service for appointment as officiating Superintendent Central Jail, Haripur and one officer of

<sup>11</sup> Section 266 (3)

<sup>12</sup> Annual Report for 1937-8, p 2

<sup>13</sup> *Ibid*, p 5

<sup>14</sup> Annual Report for 1938-9, p 10

<sup>15</sup> Annual Report for 1939-40, p 6

<sup>16</sup> Annual Report for 1940-1, p 4

the same Province for appointment as Deputy Secretary, Legislative Department, North-West Frontier Province <sup>17</sup> In 1939-40, the Commission tendered advice on 29 cases <sup>18</sup> But the number rose to 36 during the year 1940-1 <sup>19</sup>

As regards cases of disciplinary action, appeals and memorials, the Commission, during the year 1937-8, gave advice on 10 disciplinary cases against Government servants Its recommendations were accepted by the Government in 9 cases The Commission was consulted in 5 cases of appeal by the Government servants against punishments awarded to them The recommendations of the Commission were accepted in all cases <sup>20</sup> In 1938-9, the Commission gave advice on six disciplinary cases It was also consulted by the Punjab Government in 8 cases of appeal and memorials against orders of dismissal, reduction and withholding of increments The recommendation was accepted in all cases <sup>21</sup> In 1939-40, the advice of the Commission was sought by the Punjab Government in 17 disciplinary cases The recommendations of the Commission were accepted in all the seven cases of appeal and memorials <sup>22</sup> In 1940-1, the Commission gave advice on 27 cases of disciplinary action and 7 cases of appeals and memorials, and that was accepted <sup>23</sup>

The Commission has conducted every year a few examinations<sup>24</sup> and recommended names to the Government for appointment on the basis of the results The Appendices attached to the Annual Reports of the Commission give in detail the recommendations made by the Commission to the Government I have already referred to the convention that generally the recommendations of the Commission are accepted Exceptions are few and far between For instance, during the year 1937-8, the Com-

<sup>17</sup> Annual Report for 1938-9, p 10

<sup>18</sup> Annual Report for 1939-40, p 7

<sup>19</sup> Annual Report for 1940-1, p 4

<sup>20</sup> Annual Report for 1937-8, pp 7-8

<sup>21</sup> Annual Report for 1938-9, p 11

<sup>22</sup> Annual Report for 1939-40, p 6

<sup>23</sup> Annual Report for 1940-1, p 6

<sup>24</sup> See pp 7-8, pp 3-4 pp 3-4, of the Annual Reports for 1938-9 1939-40 and 1940-1 respectively

mission recommended one Hindu and two Muslims for the post of District Medical Officer of Health. Although there were two vacancies, the Government accepted the recommendation only in one case and ordered the other one to be readvertised.<sup>25</sup> Likewise, the Commission recommended a Parsee gentleman for the special post of Assistant Accounts Officer for the Punjab P W D Electricity Branch, but the Government refused the recommendation and ordered the post to be readvertised with reduced scale of pay and other changed conditions.<sup>26</sup> During the year 1938-9, the Frontier Government asked the Commission to recommend a sales Engineer for the Molakand Hydro-Electric Scheme. The recommendation was submitted in April 1938 but the Government, decided in August 1938, not to create the post and make no recruitment.<sup>27</sup> There occurred a temporary vacancy in the Punjab Industries Department for the post of Superintendent of Industries. The Government did not accept the recommendation and asked the Commission to re-advertise the post with lower qualifications. The Commission did not regard readvertisement necessary and there continued correspondence with the Government. In the meanwhile, the vacancy came to an end.<sup>28</sup> In 1939-40, the Commission recommended two candidates for the post of Lady-Welfare Organiser but the Government held in abeyance the recruitment to this post.<sup>29</sup> In 1940-1, the appointment to the job of English Assistant Matron for the Punjab Mental Hospital was held in abeyance by Government before it was advertised.<sup>30</sup> The Commission recommended two candidates for the job of Supervisor of Tanning Demonstration Parties and Marketing Officer in the Industries Departments, Punjab. But the Government did not regard any of them suitable and asked the post to be readvertised.<sup>31</sup>

The Commission noticed that contrary to the instructions of the two Governments issued to the Department

<sup>25</sup> Annual Report for 1937-8 Appendix C, p xvi

<sup>26</sup> *Ibid*, p xvii

<sup>27</sup> Annual Report for 1938-9, Appendix A, p v

<sup>28</sup> *Ibid*, p x

<sup>29</sup> Annual Report for 1939-40, Appendix A, p vii

<sup>30</sup> Annual Report for 1940-1, Appendix A, p v

<sup>31</sup> *Ibid*, p ix



regarding the procedure to be followed in their dealings with the Commission, there was a tendency to ask the Commission to recommend more than two names for each vacancy. But this system was discontinued on the remonstrance of Commission.<sup>32</sup>

It was observed that even after the institution of Commission on May 1, 1937, many appointments were being made by the administrative departments without consulting the Commission as required under Section 266 (3). Cases of this kind occurred either through carelessness or negligence. For example, in 1937-8, advertisements from the administrative departments appeared for filling in 5 posts. When the Commission pointed out to the irregularity, steps were taken to regulate the procedure.<sup>33</sup> In order to guard against the repetition of cases of this type, the Punjab Government issued orders that at the end of each question, a list of all appointment orders, disciplinary orders, etc., passed by the Government in respect of the various departments, should be forwarded to the Commission. Likewise, the Frontier Government has laid down that where an appointment is notified in the Official Gazette, other than an appointment which is either made after previous reference to the Commission or shown by the notification itself to be one which is specifically excluded from the purview of the Commission, a copy of the notification should be sent to the Commission indicating the regulation under which the appointment has been made.<sup>34</sup>

The Commission has rendered some useful work in examining the rules regarding various services and advising the Government on them. For instance, in 1938-9, the Commission examined and advised the Government in connection with rules regarding the Deputy Superintendents of Police in the Punjab, Punjab Service of Engineers, Tahsildars and Naib Tahsildars in the Frontier Province, the Punjab Fisheries Subordinate Service, the Punjab Medical Service, Class II, the Punjab Veterinary Service, Class I, etc.<sup>35</sup> Similar work was

<sup>32</sup> Annual Report for 1937-8, p. 3

<sup>33</sup> Annual Report for 1937-9, pp. 9-1.

<sup>34</sup> Annual Report for 1939-40, p. 9

<sup>35</sup> Annual Report for 1938-9, p. 10-11

done regarding other service during the subsequent years <sup>36</sup>

There are a few general observations to be made regarding the Commission. If the object of the fathers of the constitution in providing for a Commission was to improve the Civil Service by opening the door to all for entry into Government Service through the process of competitive examinations conducted by an impartial Commission, greatest care should have been taken in the appointment of its members. But even a cursory glance at the qualifications of the members will show that we have more of title-holders of the Government (Khan Bahadurs, Rao Bahadurs, Sardar Bahadurs, O B E 's or C I E ) than men of great eminence either in the administrative or in the academic field. It is unfortunate to note that although the appointments were made by the Governor in his discretion, communalism and party-interests played a more important part than the higher interests of the province for whose welfare it was constituted. The constitution of the Commission on communal lines must affect its work. One only wishes that greater attention had been given to the qualifications of the members rather than their party affiliations, even if a certain quota had to come from a particular community.

The Commission, as it stands, is a very expensive luxury. It costs Rs 1,95,584,<sup>37</sup> Rs 2,05,112,<sup>38</sup> and Rs 2,00,311,<sup>39</sup> in 1938-9, 1939-40 and 1940-1 respectively. It may be pointed out that we have to pay handsomely for a Commission of this nature. We cannot have it for nothing. My contention is that taking into consideration the very limited scope of its work, the expenditure of about two lacs every year cannot be justified. Either the Provincial Legislature should move in this matter and widen the scope of the Commission or steps should be taken to lessen the financial burden on the Provincial revenues. Let not the Commission be used to reward services rendered to the parties.

<sup>36</sup> See pp 7-8 and pp 5-6, of the Annual Report for 1939-40 and 1940-1, respectively

<sup>37</sup> Annual Report for 1938-9, pp 2-3

<sup>38</sup> Annual Report for 1939-40, pp 1-2

<sup>39</sup> Annual Report for 1940-1, pp 1-2

# THE FEDERAL COURT AND THE LAW OF SEDITION IN INDIA\*

BY

MR A K MUKHERJEE, M A ,

*Research Student, Department of Political Science,  
Dacca University*

## I. Introduction.

In this paper I propose to examine the significance of the decision of the Federal Court in *Niharendu Dutta Maumdar v The King-Emperor*<sup>1</sup> on the law of sedition in India

## II. The law of sedition as interpreted before.

The law of sedition is contained in section 124A of the Indian Penal Code. Under this section it is a sedition to speak or write or make a visible representation of anything which engenders any hatred or contempt towards the King-Emperor or the Government established by law in British India. Any writing or speech, further, which excites disaffection or disloyalty or a feeling towards the same authorities also constitutes a sedition. It should, however, be noted that a comment expressing disapprobation of an administrative or legislative measure taken by the government with a view to obtaining its alteration by lawful means, without exciting or attempting to excite any hatred, contempt or disaffection, is not an offence under section 124A of the Indian Penal Code.

The law of sedition as stated above has been chiefly an adaptation of the English law of sedition to Indian conditions. In England sedition is a misdemeanour at common law, which consists in acts done or words spoken with a seditious intention. A seditious intention, according to English law, means "an intention to bring into hatred or contempt, or to excite disaffection against, the king or the Government and Constitution of the United Kingdom, or either House of Parliament, or the adminis-

\* A paper submitted to the Indian Political Science Conference, fifth Session, Agra, January, 1943

<sup>1</sup> See *The Calcutta Weekly Notes* (1942) Vol 46, pp 9-20 F R

tration of justice, or to excite the King's subjects to attempt otherwise than by lawful means, the alteration of any matter in Church or State by law established, or to incite persons to commit any crime in general disturbance of the peace, or to raise discontent or disaffection among His Majesty's subjects, or to promote feelings of ill-will and hostility between different classes of His Majesty's subjects"<sup>2</sup>

It will appear from the quotation cited above that the English law of sedition is at least as strict<sup>3</sup> as the Indian law contained in section 124A of the Indian Penal Code. Besides, it seems in a way to be more comprehensive than the Indian law. For instance, in England the law of sedition purports not only to shield the King, the Government, Parliament, the administration of justice and the Church from an undue criticism, but also to prevent the promotion of ill-will and hostility between different classes of His Majesty's subjects,<sup>4</sup> but Section 124A of the Indian Penal Code protects only the King and the Government established by law, which according to Section 17 of the same Code "denotes the person or persons authorised by law to administer executive government in any part of British India."

Now, executive government in British India has been vested, so far as the provinces are concerned, in the Provincial Governor and officers subordinate to them, and as regards the Centre, in the Governor-General and officers subordinate to him.<sup>5</sup> It is interesting to note here that the Calcutta High Court in two very recent decisions<sup>6</sup> has held that the Provincial Ministers are not officers subordinate to the Governors, and as such do not constitute in the eye of law the executive government of the

---

<sup>2</sup> See Halsbury's *Laws of England*, Vol 9, p 302.

<sup>3</sup> "For a democratic country," says Jennings, "English law is very strict, since much of it dates from the period when the franchise was exercised by a small section of the population and some of it from the reaction to the French Revolution." See *The Law and the Constitution*, p 252.

<sup>4</sup> It may be noted that in India the last named offence is covered by Section 153A of the Indian Penal Code.

<sup>5</sup> See The Government of India Act, 1935, Sections 7 and 49.

<sup>6</sup> *Dharendra Nath Sen v The King-Emperor* (1938) C W N., Vol 42, p 1150 and *Emperor v Hemendra Prasad Ghosh* (1939), 43 C W N, p. 950.

Province<sup>7</sup> Accordingly, an attack upon the ministry of the day does not, at least in Bengal, involve a sedition, although it is quite conceivable that in England an attack upon any particular ministry, which is usually styled as the 'Government', may be punished for sedition<sup>8</sup>

Although the English law of sedition is stricter and more comprehensive than the Indian law as contained in Section 124A of the Indian Penal Code, yet it has never been, at least within living memory, a serious menace to freedom of opinion in England. As Dr Jennings has said, "though sedition and blasphemy are very wide offences, prosecutions are hardly ever undertaken"<sup>9</sup> This has been due chiefly to three factors. First, the rigours of the law have been considerably mitigated by the necessity of obtaining the verdict of a jury as to whether or not in a given case a particular individual is to be convicted for sedition. As Sir Maurice Gwyer, C J, points out, "the good sense of the jurymen can always correct extravagant interpretations sought to be given by the executive government, or even by the judges themselves"<sup>10</sup> Secondly,

---

<sup>7</sup> As their Lordships held in *Emperor v Hemendra Prasad Ghosh* "In our view ministers chosen from the elected representatives of the people of the Province for the purpose of carrying into effect, if possible, and within prescribed limits, their wishes, and acting as advisors to the Governor, cannot be described as 'officers subordinate' to the Governor within the meaning of Section 49 of the Government of India Act, 1935." "It follows, therefore," continued their Lordships, "that although in popular language, the ministers may be referred to as the 'Government', they are not 'the Government' within the meaning of Sections 17 and 124A of the Indian Penal Code". See 43 C W N, p 952

<sup>8</sup> In *Regina v Fussell* (6 St Tr n s) 723 (1848), for instance, the defendant was convicted for making a seditious speech in which he had said, "The Government have succeeded in convicting honest John Mitchel. I tell Lord John Russell that I have no sympathy with his damnable government." Again, in *Rex v Buraett* the defendant was convicted on a charge of sedition for writing a letter (being his election address) which contained strong reflections upon the conduct of the Government in suppressing a mutiny. See Thomas and Bellot *Leading Cases in Constitutional Law*, pp 224 and 237

<sup>9</sup> *The Law and the Constitution*, p 252. "A prosecution for seditious libel" says Mr Justice Coleridge, "is somewhat of a rarity"—*The King v Alfred* (1909) 22 Cox's Criminal Cases, 1

<sup>10</sup> See *Niharendu Dutta Majumdar v The King Emperor* (1942) 46 C W N, p 17, F F Dr. Jennings, it may be noted, does not

the executive government in England is extremely cautious in initiating a prosecution for sedition, since a liberal use of this instrument for gagging public opinion reacts unfavourably upon public sympathy for the 'Government' and offers the 'Opposition' an opportunity for criticising the policy of the 'Government' both of which may have decisive effects upon the electorate whose sentiments no Government in England can lightly pass over. Thirdly, the English Courts have substantially altered the implications of the English law of sedition by holding that sedition consists in inciting or encouraging others to use physical force or violence in some public matter connected with the State.<sup>11</sup>

In India the check of the jurymen in sedition trials has been 'practically absent'.<sup>12</sup> Public opinion is not as organised as in England, and is, therefore, less effective. Responsible government is only a thing of recent experiment, and that also in the Provinces alone. The executive government also does not appear to have shown very much

---

consider the jury system to be an adequate safeguard against a rigorous application of the law of sedition in England. In his view the severity of the English law of sedition is "much mitigated in practice by the tolerance which arises from safety and by the force of public opinion." See *The Law and the Constitution*, p. 252.

<sup>11</sup> "Sedition", says Fitzgerald, J., , , , "embraces all those practices, whether by word, deed or writing, which are calculated to disturb the tranquillity of the state and lead ignorant persons to subvert the government." "The objects of sedition," continues the learned judge, "generally are to induce discontent and insurrection, to stir up opposition to the government, and to bring the administration of justice into contempt, and the very tendency of sedition is to incite the people to insurrection and rebellion." 11, Cox's C C, 54 at p. 55. Again Coleridge, J. says "Whoever by language, either written or spoken, incites or encourages others to use physical force or violence in some public matter connected with the state, is guilty of publishing a seditious libel". See (1909) 22 Cox's C C, p. 1. We may also refer in this connection to Lord Hewart who was until recently the Lord Chief Justice of England. His Lordship says "It is now extremely rare that any attack on the government or on either House of Parliament is treated as seditious, and the constitution is frequently abused with impunity. In the absence of a tendency to cause riot or rebellion or to disturb the peace of the Kingdom, the greatest latitude is permitted in the discussion of political affairs." See *The New Despotism*, p. 30-31.

<sup>12</sup> See (1942) 46 C W.N., p. 17 F R

endurance of criticism. In a number of cases prosecutions were started on inadequate grounds, with the result that although convictions could be obtained in the magistrate's court they were set aside by the High Court. For instance, in *Emperor v Benabhushan Ray*<sup>13</sup> the defendant was prosecuted on a charge of sedition for having incited the members of a public meeting to exert themselves for attaining Swaraj, in *Balgangadhar Tilak v The King-Emperor*,<sup>14</sup> again, the appellant was prosecuted for having delivered a speech wherein he insisted on obtaining for the Indians an increased and gradually increasing share in political authority, and pressed that the administration of the country should be under the control of the people. It was of course clear that the speaker sought to attain these ends by lawful means. In a very recent case, further, the Calcutta High Court acquitted the editor of an English Daily of Calcutta, who had been convicted by the Presidency Magistrate on a charge of sedition for having severely criticised a certain proposed legislation sponsored by the Government of Bengal. While delivering the judgment in the case, Bartley, J stated that "the article complained of in this case amounts, in to nothing more than a censure, expressed in exaggerated, inflated and intemperate language, on a still born Bill"<sup>15</sup> Thus, in India, prosecution for sedition has not always been preceded by a proper exercise of the discretion vested in the executive authorities in the matter of initiating prosecution for sedition.

The Court of Law in India has also shown a definite tendency to interpret Section 124A of the Indian Penal Code almost in its literal sense. As the Calcutta Weekly Notes has rightly observed, "the general leaning has been towards a literal construction, even to the extent of interpreting disaffection as want of affection"<sup>16</sup> In the famous case of *Balgangadhar Tilak*,<sup>17</sup> for instance, Mr Justice Stratchey stated thus: the offence does not consist in "exciting or attempting to excite mutiny or rebellion,

<sup>13</sup> (1907) 34 Cal 991

<sup>14</sup> (1916) 19 Bom L R 211

<sup>15</sup> See *Dharendranath Sen v The King-Emperor*, 1 L R 2 Cal 672, at p 679

<sup>16</sup> See (1942) 46 C W N, p LXXI

<sup>17</sup> (1897) 22 Bom 112 at p 135.

or any sort of actual disturbance, great or small. Even if he (*i.e.*, the accused) neither excited nor intended to excite any rebellion or outbreak or forcible resistance to the authority of the government, still if he tried to excite feelings of enmity to the government, that is sufficient to make him guilty under the section". Again, the words 'hatred or contempt and 'disaffection' as used in the section have also been given a literal interpretation. Disaffection, for instance, has been held to mean a feeling contrary to affection.<sup>18</sup> It has, further, been interpreted to signify a political alienation or discontent and a spirit of disloyalty to the government.<sup>19</sup> The court has no doubt occasionally expressed itself in favour of the view that adequate notice should be taken of the changing political ideas in the country, in ascertaining whether a particular writing or speech has produced the effects it is alleged to have done. In the case of *In the Matter of the Amrita Bazar Patrika*,<sup>21</sup> for instance, the Calcutta High Court frankly admitted thus "what was considered seditious under section 124A in 1897 may not necessarily be held to be so in 1932, one cannot shut one's eyes to changes in political conceptions due to the march of political events and to the declared objectives of the government of the day". But in no case, previous to that of *Niharendu Dutta Majumdar v The King-Emperor*, was the view taken that Section 124A of the Indian Penal Code should be read in its spirit and not in its letters.

It has been in this case that an Indian Court, the Federal Court, for the first time pronounced that "the language of Section 124A of the Penal Code, if read literally, even with the explanations attached to it, would suffice to make a surprising number of persons in this country guilty of sedition".<sup>22</sup> It asserted that "no one, however, supposes that it is to be read in this literal sense". This is a view remarkably distinct from all previous ones on this question. The decision of the Federal Court in

<sup>18</sup> Per Petheram, J, in *Jogendra Chandra Bose v The King-Emperor* (1891)

<sup>19</sup> 9 Cal 35 at p 44

<sup>20</sup> Per Ferran, C J, in the case of *Ramchandra Narayan* (1897) 22 Bom 152 at p 156

<sup>21</sup> (1932) 37 C W N, 166 at p 176

<sup>22</sup> (1942) 46 C W N, p 17, F R



*Niharendu Dutta Majumdar's* case is, therefore, an important landmark in the history of the law of sedition in India

In this case the appellant, a member of the Bengal Legislative Assembly, was convicted by the Additional Chief Presidency Magistrate of Calcutta for offences under sub-paragraphs (e) and (k) of Rule 34 of the Defence of India Rules. These Rules define a prejudicial act as one which is intended, or is likely to, "bring into hatred or contempt, or to excite disaffection towards His Majesty or the Crown Representative, or the Government established by law in British India or in any part of His Majesty's dominions", or is intended, or likely to, "influence the conduct or attitude of the public, or any section of the public in a manner likely to be prejudicial to the defence of British India, or the efficient prosecution of war". The appellant was sentenced by the magistrate to be detained till the rising of the court and to pay a fine of Rs 500/- or in default, to undergo a rigorous imprisonment for six months. This conviction was upheld, on appeal, by the High Court of Calcutta. The appellant, however, preferred an appeal to the Federal Court under the provisions of Section 205 of the Government of India Act, 1935.

Maurice Gwyer, C J, delivered the judgment of the Federal Court which consisted of himself, Mr Justice Varadachariar and Mr Justice Zafarullah Khan. At the outset the learned Chief Justice ruled that "the law relating to the offence of sedition as defined in the Code (*i.e.*, the Indian Penal Code) is equally applicable to the prejudicial act as defined in the Defence of India Rules". Thereafter he proceeded to suggest the line of approach to the interpretation of the law of sedition in India. He said "The right of every organised society to protect itself against attempt to overthrow it cannot be denied, but the attempts which have seemed grave to one age may be the subject of ridicule in another. Hence many judicial decisions in particular cases which were no doubt correct at the time when they were given may well be inapplicable to the circumstances of to-day. The time is long past when the mere criticism of governments was sufficient to constitute sedition, for it is recognised that the right to utter honest and reasonable criticism is a source of strength to a community rather than a weakness.

The language of Section 124A of the Penal Code, if

read literally, even with the explanations attached to it would suffice to make a surprising number of persons guilty of sedition, no one, however, supposes that it is to be read in this literal sense. The language itself has been adapted from the English law, but it is to be remembered that in England the good sense of the juryman can always correct extravagant interpretations sought to be given by the executive government or even by judges themselves, and if in this country that check is absent, or practically absent, it becomes all the more necessary for the courts when a case of this kind comes before them, to put themselves, so far as possible, in the place of a jury, and to take a broad view, without refining overmuch in applying the general principles which underlie the law of sedition to the particular facts and circumstances brought to their notice.<sup>23</sup>

In stating 'the general principles' of the law of sedition His Lordship referred with approval to the judgment of Fitzgerald, J., in *R v Sullivan*,<sup>24</sup> and then observed "The first and most fundamental duty of every government is the preservation of order, since order is the condition precedent to all civilization and the advance of human happiness.

It is to this aspect of the functions of government that in our opinion the offence of sedition stands related.

Public disorder, or the reasonable anticipation or likelihood of public disorder, is the gist of the offence. The acts or words complained of must either incite to disorder or must be such as to satisfy reasonable men that that is their intention or tendency."<sup>25</sup>

### III. The Federal Court's Judgment and the case of Wallace Johnson v. The King.

The Federal Court must be congratulated on this illuminating exposition of the "broad principles underlying the conception of sedition as an offence against the state"<sup>26</sup> Sedition, as it rightly says, "is not made an offence in order to administer to the wounded vanity of Governments, but because where Government and the law

<sup>23</sup> See (1942) 46 C W N, p 17 F R

<sup>24</sup> See F N 1 at p 4, *ante*

<sup>25</sup> See (1942) 46 C W N, p 18, F R

<sup>26</sup> See *Ibid*

cease to be obeyed, because no respect is felt any longer for them, only anarchy can follow”<sup>27</sup> Such a broad view of the offence of sedition surely goes a long way towards widening the scope of the freedom of opinion in this country, and must be welcome to every lover of democratic institutions

It is to be admitted, however, that such a view is hardly in accord with a literal interpretation of Section 124A of the Indian Penal Code We do not propose here to enter into any controversy as to the correctness of the principles of legal construction followed by the Federal Court in the case under consideration For, whatever may be the method adopted, the results to which it has arrived have long been overdue in the interests of one of the fundamental rights of the people of this country We cannot ignore, however, what appears to be a conflict between the principle of construction followed by the Federal Court in this case, and that adopted by the Privy Council in the case of *Wallace-Johnson v The King*<sup>28</sup> There the Privy Council, while admitting that there was a close correspondence between the language of the law of sedition in England and that in the Gold Coast Colony, whence the case had come on appeal, adhered to a strictly literal interpretation of the colonial law and refused to import into its application “any glosses or interpolations derived from any expositions, however authoritative, of the law (of sedition) of England and Scotland”<sup>29</sup>

The standpoint of the Privy Council may be, what the *Calcutta Weekly Notes*,<sup>30</sup> has described as “dry and unreal formalism or the schoolman’s way of interpreting a text” But the question is whether the conflict between the two ways of approach to a statutory law may vitiate in any way the effects of the salutary judgment of the Federal Court We should refer in this connection to Section 212 of the Government of India Act This section provides, among others, that “the law declared by the Federal Court and by any judgment of the Privy Council shall, so far as applicable, be recognised as bind-

<sup>27</sup> See *Ibid*

<sup>28</sup> See 44 C W N., p 403 (1939)

<sup>29</sup> See *Ibid*, p 406

<sup>30</sup> See *Ibid*, p 406

ing on, and shall be followed by, all courts in British India."

This section makes it imperative that all courts in British India should follow the law, as far as applicable, declared by both the Privy Council and the Federal Court. Now, it is admitted that principles of legal construction raise substantial points of law. It is to be admitted that there has been a certain conflict in regard to these matters between the Federal Court and the Privy Council in the cases under consideration. Which one of the two principles of construction should then the courts in British India adopt?

It may be argued that in this particular instance the judgment of the Federal Court should be given preference over the judgment of the Privy Council, since the former relates to the Indian law of sedition, and the latter refers to the law of sedition of the Gold Coast Colony.<sup>32</sup> The provisions of Section 212 of the Government of India Act, 1935, however, it is submitted, does not definitely support this point of view, namely, that only those decisions of the Privy Council shall be binding on the British Indian courts as relate to the laws thereof. On the contrary, the phrase, 'any judgment of the Privy Council as far as applicable', may as well imply that all decisions of the Privy Council irrespective of the country on whose law they have a bearing, shall be binding on the courts in British India to the extent that there may be similarity in the legal points at issue. In view of these considerations, it is submitted the position in respect of the law of sedition in India, notwithstanding the very important pronouncement of the Federal Court in the case of *Niharendu Dutta Majumdar v The King-Emperor*, does not appear to be free from legal controversies.

#### IV. Conclusion.

It is, therefore, desirable that steps should be taken at an early date to effect such changes in the law as will clarify the position. It is suggested that Section 124A<sup>1</sup> of

<sup>31</sup> This of course excludes the Federal Court itself as the context suggests.

<sup>32</sup> It may be noted here that the laws of sedition of the Gold Coast Colony and India, as contained in the respective law of crimes are couched almost in the same language.

the Indian Penal Code should be amended with a view to incorporating therein the substance of the judgment of the Federal Court in *Dutta Majumdar's case*. It may be recalled that in 1936 an attempt was made by Mr Satyamurti, M L A (Central) to amend the section with the same end in view. But the attempt did not succeed. It is expected that with the weight of the judgment of the Federal Court now on the side of a change in the spirit of the law, it may not be an altogether impossible task to change its letter.

## REVIEW

TREATIES, ENGAGEMENTS AND SANADS OF INDIAN STATES—A CONTRIBUTION IN INDIAN JURISPRUDENCE by K R R Sastry, *Reader in Law, Allahabad University, Allahabad*, Price Rs 10

Mr K R, R Sastry has devoted over four years of his spare time to the study of the problem of Indian States and has already published three useful handy volumes on the subject. In the present book Mr Sastry has discussed the nature and status of Indian States by analysing their treaties, engagements and sanads. His treatment is scholarly but he does not gather all the threads at the end of his chapters. He has, no doubt, given his conclusions at the end of the book but they are somewhat unrelated to the main theme of the book and the whole viewpoint from which the body of the book is written *i e*, the legal standpoint. Nonetheless, it is a useful study and will prove helpful to all students of the subject.

Mr Sastry regards the relationship between Indian States and the British Crown as *quasi-international* and discusses at considerable length the nature of international treaties, their classification and canon of their interpretation. It appears to me that the relationship between the States and the British Government has been—for at least the last one hundred years and more—purely imperial and political and in no sense international. His advice to Indian States is on the right lines though it does not go far enough.

GURMUKH NIHAL SINGH

## NOTICE

### THE INDIAN POLITICAL SCIENCE ASSOCIATION

The New year of the Association began on January 1st, 1943. Kindly send your Annual Subscription of Rs 10/- (by cheques Rs 10/4/-) at your earliest convenience. The life-membership fee is Rs 100/ and I shall be glad if you will agree to become a life-member by sending me a cheque for Rs 100/4. In case your subscription is not received before the 31st January, 1943, the next issue of the Journal will be sent per V P P. Please note and send the subscription as early as possible.

The Sixth Annual Conference of the Association will be held at Lucknow either during Xmas 1943, or early in January, 1944 (the exact dates will be announced later) under the Presidentship of Principal G D Sondhi.

The subjects for discussion shall be—

- (a) Problems of Social and Political reconstruction with special reference to India.
- (b) Indian Political thinkers since 1858
- (c) Public Services in India
- (d) Courses of studies in Political Science

Papers not exceeding 10 typed foolscap pages should reach the President before November 10th, 1943. A brief synopsis should accompany the paper and both must reach Lahore before the 10th November. This is most important.

You are requested to write a paper and make it a point to attend. *Please note that papers which do not fall within scope of the subjects selected and which do not reach Lahore, before November 10th, 1943, will not be accepted.*

A member of the Association can attend the Conference, without making any extra payment. Non-members can attend the Conference, read papers and participate in discussions on payment of a fee of Rs 5/- *Bona-fide* students can attend on payment of Rs 2/- only.

All those interested in the study and advancement of Political Science are requested to become members of the Association.

January 10, 1943

J N KHOSLA  
*Secretary & Treasurer,  
Indian Political Science Association,  
University Hall, Lahore.*

# ST AUGUSTINE AND HIS PREDECESSORS\*

(Foundators of Medieval Political Thought)

BY

PROFESSOR S V PUNTAMBEKAR,

*Hindu University, Benares*

## Need of a Theory of History.

Any true political theory or philosophy to arise, the thinker must be not only conversant with the facts of contemporary history and life, but also must have a good understanding or philosophy of history of the past. Only then is it possible for him to state his theory which will cover and interpret the facts and forces of political life and movement. Unless he understands the evolution and moulding of these facts and forces, he cannot truly develop his analyses and generalisations relating to institutions, associations and organisations. All great thinkers who have moulded the thoughts and actions of their contemporaries and successors have tried to interpret the course of human affairs as recorded in history. Such writers were Aristotle and St Augustine, Machiavelli and Montesquieu, Hobbes and Hegel, Marx and Maine.

Political Theory has also to take into consideration the aspirations and ideals of the period. It is connected with the general body of ideas and institutions prevailing then. Not only the experience of mankind but also the aspirations of the age have to be considered.

But political theory sometimes takes a sudden and radical turn when there is a crisis in the life of the people amongst whom the political thinker is born. He is faced with a number of contradictions in the sphere of human—social, mental and moral—thought, life and action. He represents the new tendencies in the conflicts and contradictions which are taking place. Therefore he justifies them by the evolution of a new theory to solve the current contradictions and by propounding a new philosophy of

A paper submitted to the Indian Political Science Conference, Fourth Session, Bombay, January, 1942.



history to meet the advocates of the old, and thus vindicate the coming new world as an heir to the old, his new theory coming as it were to fulfil the historical purpose inherent in the old

There was such a crisis in the contemporary world of St Augustine (354—430 A D ) His political theory would not be understandable unless we knew his world and the nature of the crisis We must know the social tendencies, the intellectual sympathies and equipments, moral attachments and religious forces of the time, and the contradictions involved

### **Medieval Man and Mind.**

Middle ages began with the division of the Roman Empire between Rome and Constantinople in 364 A D The medieval man had an other-worldly outlook and belief He judged this world, its traditions, affairs and actions, from that point of view What led to a better other-worldly life or salvation he considered to be necessary and desirable This was his standard of measurement of good life, and its actions and institutions

The medieval man was always an extremist who thought and saw in two shapes only, black and white His analysis of life and institutions was based on a logic of dichotomy or binary classification His mind was rigid, and his logical apparatus not flexible It had no place for other categories or possibilities or shades intervening between the two His was a headlong and determinate idealism or other-worldlysm He had no vision or knowledge of difficulties and differences inherent in the complex web of human life and growth

### **Medieval World.**

Medieval political thinkers relied on three great forces, which moulded the life of men and society They were the Church (Sacerdotium), State (Imperium or regium), Monastery and Studium Therefore their political thought related mostly to their mutual relations, their functions, and their purposes It is with the help of these instruments that they were trying to unite Christendom, to erect a *Respublica Christiana* and to make it a settled theocratic reality of authority and freedom, and of peace and order

In their scheme there was no place for feudal kingdoms and estates, or communal groups and orders. One was the creation of war, the other, the legacy of the tribal age. The central idea in their political speculation was the presence of God behind and over everything. His divine law, His divine prophet and His divine apostles and apostolic successors were the supreme judges, guides and controllers of all human life and actions. With them lay the Key of happiness in this world and of righteousness in the next world.

### **St. Augustine's Importance.**

Everything in the middle ages appears to have its root somewhere in St. Augustine's work and teaching. With him the medieval thought begins. He is certainly the father of medieval political science. He stated the terms and forms of its primary problem, namely, the relationship which subsisted between the ecclesiastical and the lay authorities, between the Church and the State, and also the origin, nature and functions of those authorities. There is no medieval thinker in the field of Political Science who does not sooner or later revert to his writings, especially, his "*De Civitate Dei*" or "About the City of God," though his own main desire was to know God and his own soul, nothing more.

Here in the first part I shall primarily deal with the political theory of St. Augustine, and shall then in the second part only point out some striking resemblances between him and Marx in their approach to it and in their statement of it. St. Augustine was the first great writer to set forth from the Christian, not from the feudal, point of view his ideas of history, politics, religion and society which were meant to take into consideration, cover and interpret the facts and forces of the new medieval world which was succeeding and supplanting the old classical world of the Greeks and the Romans. The factors which were moulding his contemporary life were new, and the facts which were happening were different.

### **Origin of New Political Theory.**

New political theory arises either when old facts and factors are interpreted from a new viewpoint, or old theories do not cover the new facts and factors which have happened and emerged in the ever-changing drama of

human life. The political theory of Augustine is a definite break from the Græco-Roman theories. No doubt it suffers by comparison with them in content and form, but it gains to a certain extent by its human outlook and non-political approach, leading indirectly to ideas of human personality and its liberty in certain spheres and functions away from the pure étatism and authoritarianism of the classical state theory. The moral outlook and the mental approach towards the understanding of social bonds and political obligations were changed in his times. Hence the origin, nature, structure, function and ideals of social life and political institutions were conceived in a different mould and formulated in a different fashion. It was a complete revaluation of values and virtues of life, and, therefore, it was a revolution—a breach with the past.

### **New Factors of Augustine's Age.**

The outstanding political and social factors of Augustine's age were the invasions and conquests of Barbarians, and the conflicts and conversions of Christianity, and their ultimate recognition by the Roman Emperors in the fourth century. There was, therefore, a great crisis in Augustine's contemporary history. The old political order and the old religious and moral life were changing. The classical age, its mental and moral conceptions and institutions were rapidly disappearing, and the new Christian values and virtues of human and spiritual life were rapidly spreading. New political powers were establishing themselves. New religious sects and churches were rising. But Christianity was the greatest disturbing religious and ideological factor of that age. The Emperor Constantine (306—337 A.D.) accepted it in 325 A.D. and made it the State religion. From being a persecuted religious sect it became (312 A.D.) first a recognised sect and then the official religion of the Empire (325 A.D.) which became its protector and guide. After a short set-back under Julian the Apostate (360—363) Christianity triumphed as the State religion under Theodosius the Great (379—395 A.D.) when paganism was totally prohibited in 393 A.D. in the Empire. Rome had worshipped old Gods from 313—393.

The barbarian invasions and conquests on one side, and the internal imperial conflicts on the other, were the

disturbing political factors of the age. They upset the political map of the Roman empire. Finally in 410 A.D. Rome the imperial city was sacked by Alaric the Visigoth. During the sack whole quarters of the city were destroyed by fire, superb palaces of the patricians were invaded and plundered, virgins were violated, churches were destroyed and sacked by his barbarians. It was a terrible experience for the people. There were also other disturbing factors,—nomadic races trying to conquer and colonise in Europe, intellectual controversies of idealistic and materialistic philosophies, economic and social conditions of the high and low, of the haves and have-nots, masters and slaves,—prevalent in that period.

### **The Question Which Inspired St. Augustine and His Reply.**

Rome which was free from foreign invasions for nearly 1000 years had now suddenly fallen in the hour of the victory of Christianity. Was it a consequence of that victory? Was it due to the abandoning of old Civic Gods and the old Civic faith? Or was it merely a sequence or something else?

This question is the original inspiration of Augustine's composition of his great work "The City of God." The book stands supreme on the confines of the classical and Christian worlds. Its inspiration was thus both Christian belief and German action. It is an outstanding attempt to interpret the new Christian age and the awful catastrophe of the fall of the Roman Empire in the west and the factors which brought it about.

The pagan devotees of old gods had accused Christians and their religion for this new disaster. They had appealed to history of the past when paganism had prevailed. Therefore Augustine had to go to history to give his reply on behalf of Christianity.

Pagans asserted that so long as the ancient gods had been honoured, Rome had not only been spared but it had been everywhere triumphant and supreme. St. Augustine replied that it was not the religion of Christ but the Romans themselves—their vices and weaknesses—were responsible for their misfortune. Thousands of cities had been destroyed and sacked before throughout the ages. For this Christianity was not responsible. His reply then developed into a reading of human history as a

whole and produced a synthesis of the history of humanity and of the will of Divinity. He did it on a comprehensive but a generalised scale in his book which was written from 413 to 426 A.D. The reason for its writing was to disprove the charge that the fall of Rome was due to the new Christian religion. It was a polemic against and a destructive criticism of paganism and its vices in one respect. But its more important and constructive side was to state a general theory of the course of worldly life or a philosophy of history, and also to propound a theory of the relations of the State and Church as assumed and involved in the religion of Christianity. In this book of Augustine this theory found its first general statement.

According to him the fall of earthly states was due to the vices which paganism had developed. They were cruelty, extortion, pride, luxury, debauchery and others. They were there in the man after his Fall. They were to be eradicated. That was the aim of the Christian Church. To set man on the path of God was its real end.

### **Need of Philosophy of History for Political Theory.**

No sound political or social theory can be evolved without a theory or philosophy of history. Human Society and its institutions are dynamic. Human beings and groups are variables. Their uniqueness prevents their reduction to law. Only their tendencies can be traced, and they can be found only in the records of human experience or history and its correct interpretation. St. Augustine formulated the Christian theory of history, though, of course, he did this without studying critically history as a whole and in details as we do now. But he recognised its necessity for a proper understanding of political and social life and its principles. The origin of State and Society, and their nature, structure and institutions, their functions and purpose working could only be understood with the help of history and laws of human development which are recorded in its course. To Augustine political theory was to be studied and stated from a larger viewpoint, namely, the promotion of righteousness and spiritual happiness. He not only dealt with the origin, necessity and character of the State in the past, but also what should be its position and functions in relation to the Church or city of God in the future. In his mind there was present the conflicts of the pagan

empire of Augustus or feudal kingdoms of barbarians and the Christian Church of St Paul, where each was claiming Sovereignty not only in its own sphere but also over the other. Therefore he portrayed an ideal polity of the future in which the claims and relations of the State and Church were valued, determined and reconciled, their functions and aims classified and regulated.

### HIS DEBT TO EARLIER WRITERS

#### **Augustine's Predecessors.**

Augustine's age was one of great fermentation of ideas and also of their new formations. There was a criticism of the past and a forecast of the future. Pagan philosophers and Christian theologians were jostling with one another for their own truths. Hellenic classicism of Plato and Aristotle, Hellenistic Stoicism and Neo-Platonism, of Seneca and Plotinus, Manichaeism and Christianity with its quarrelling sects coming from the east were all pitted against one another. It was a period of great intellectual and moral, spiritual and social unrest and inquiry. Intellectual conceptions, social relations and spiritual attachments were changing. The state was taking part in promoting some, and prohibiting others. Every great thinker was influenced in his attitudes and studies by these legacies of the past and the discussions and rivalries of the contemporary sects and schools of thought. The main sources of St Augustine's inspiration were, of course, the Bible and especially the New Testament, the traditions, utterances and attitudes of Apostles Peter and Paul, and of the early fathers of Christianity.

#### **Christ's Teaching.**

Christ and his twelve disciples showed supreme indifference to politics and things terrestrial except the preaching of the message of 'love thy neighbour' and of service of the poor and afflicted. They were for the other-worldly, eternal and spiritual values of life. Their little Christian Community called itself a Kingdom and carried on its religious and evangelical work. In the New Testament, two utterances were attributed to Christ which had a revolutionary significance in the development of Christian political thought. One was "My Kingdom is not of this world," the other was "Render unto Cæsar

what is Cæsar's and render unto God what is God's " These were profound utterances which later influenced and developed the Christian theories of Church and State and their mutual relations and functions They marked the separation of religion from politics and the limits of their boundaries The Church was conceived and organised as distinct from the State, and religion was declared to be outside state's province Thus we see Christ's teaching contemplated (1) a Kingdom of Heaven which was unseen and invisible, (2) a religious community of Christians organised into a Church and (3) a State distinct from it This community was indifferent to the State and only sought toleration for itself and its preaching

### **St. Paul's Teaching.**

St Paul, (d 65 A D ) the great Apostle, however, sought and secured the help of the State for its existence and growth He proclaimed the divine origin of Civil authority "The powers that be are ordained of God " He urged his followers to pray "for Kings and for all that are in authority " He emphasized the duty of obedience by saying "Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work "

Thus he recognised the State—the Roman Empire of the time—and its active citizenship He, however, distinguished between the claims of the Church and the State, also of the elect and this-worldly Like Stoics he also recognised a law of nature written in the hearts and consciences of men, irrespective of race or circumstance Moreover he asserted the equality of all men in grace, irrespective of their earthly condition

### **St. Peter's Teaching.**

St Peter also in his First Epistle exhorts "Submit yourself to every ordinance of man for the Lord's sake Fear God Honour the King " Thus Christian Teachers considered Christianity to be the one and only true and universal faith They advocated the separation of the Church from the Empire because it tolerated many pagan sects But the rigidity of their doctrines and their intolerance of other faiths and their occasional tumults led to their persecutions by the State They were denounced as anti-social This led to a growing antagonism between

their community and the state. The ideas they emphasized were chiefly a separate high and only Church, a divine state, a law of nature, equality of men and obedience to authority.

### **A Change in Their Attitude.**

After 150 A D, however, there was a change in the attitude of Christians towards the empire or State. They began to regard it (Rome) as an ally of devil. By that time the Christian community had developed its Church organisation, consisting of deacons, priests, bishops and patriarchs.

### **Constantine and the Eastern Church.**

From 250 A D to 311 A D they were persecuted by the State. But the persecuting edicts were repealed in the reign of Constantine (311 A D). In 313 A D Christianity was recognised as one of the legal cults (*religio licita*). In 395 Theodosius I closed the pagan temples and prohibited pagan worship. Thus Christianity became the sole legal religion in the empire. But it did not dominate or claim any supremacy over the empire or the emperor. Constantine was its *Pontifex Maximus*, that is, the head of the Church within the Empire, and thus the Church became a department of the State in the Eastern Empire. The Emperor became the representative of God on earth. He was, therefore, to be obeyed and his Supreme authority to be acknowledged. It was known as Cæsaro-Papism.

### **The Western Church.**

But this conception of the supreme authority of the emperor and of the Church as a department of the State did not evolve in the West because there was no similar alliance and subordination between the bishop of Rome and the western emperor. The western Bishop or Pope, St Ambrose of Milan (397 A D) asserted the independence of the Church from the State. He said to the Emperor Valentinian III "In the matter of faith, bishops are wont to judge emperors, not emperors bishops." He was the leader of the Christian party at Rome. Thus St Ambrose's strong advocacy of the autonomy of the Church and his assertion that in spiritual matters the Church had jurisdiction over all Christians, even the



Emperor himself—that he was within the Church not above it—led to the growing independent claims of the Church in the west. He, however, did not question the duty of obedience to the State. He said “The palaces belong to the Emperor, the Churches to the Bishop.” The secular ruler was subject to the bishop in spiritual matters only.

### **St. Augustine's Debt to Early Christianity.**

St. Augustine was the convert and pupil of St. Ambrose. He was, therefore, largely influenced in his theory of the State and the Church by his teacher. He conceived of a Christian Commonwealth, and justified its arrival, survival and success by building a philosophy of history which showed that it was to be the grand finish of man's spiritual development at the top.

Thus we see that two attitudes and relations developed between church and State. In the east the State and Church were more or less identified. The Church co-operated and worked as a department of the State. In the west the church claimed and maintained its independence in matters of faith and organisation and asserted to judge even the emperor in matters of faith.

All these views in relation to the origin, character, relations, functions and the authority and purpose of Church and State were before St. Augustine as facts and also as utterances of a growing Christianity. They inspired his mind and made him write his '*De Civitate Dei*' in order to give a consistent and coherent philosophy of the relations of the two cities and of Church and State.

### **His Debt to Plato: Republic and Laws.**

Plato (428 B.C.—389 B.C.) who was the father of ancient classical political thought influenced to a great extent the development of St. Augustine's political ideas. His Republic contained conceptions and elements of an ideal city state and of actual City states as the second best. His ideal city was located in the Heavens. Its ideas of social, economic and political communism and its code of discipline and education in order to achieve it are similar to many of the elements of the earthly community and the Heavenly City of the Stoics and Christians. He had an ideal scheme of political and Social organisation. He regarded all extant forms of government in Greece to be corrupt, degenerate and unjust. They could not satisfy the

needs of human nature and its economic wants for which justice was essential. It was to illustrate and exemplify what justice was that he sketched an ideal state, seeing that no existing actual state was just. Plato thought that the origin of state lay in the insufficiency of individuals to meet their wants and to realise the necessities of good life by themselves. Though state does not originate in evil, it does in the insufficiency of man which is there, inherent in him as an individual. Plato did not contemplate of slaves or private property existing in his ideal state. It was an ideal state where philosophers or wise men or the elect or sages of the community guided and guarded justice for the moral good of the community. Justice was the underlying virtue which determined the true relation of all things and persons to one another and pervaded their whole life so as to harmonise and unify all its parts and properties, orders and qualities. He considered the problem of government mainly as a moral and educational problem, not merely or purely as a political problem. His new social order was to be based on new morals and social values of life. It was to be not primarily a political, but largely an ethical, theological, aesthetical revolution brought about by a new course of conduct and educational discipline. He recommended the abolition of private property and the family because they created self-love, self-appetite and self-interest. He did not tolerate any excesses of liberty and individuality in his scheme. He preached a new communism both as regards goods and women. He wanted to subject sense and passion to reason in the interests of the good of the community.

Plato's picture of the ideal state was that of a true aristocracy of the elect, the wise, the good. It was according to him the only desirable and normal polity. All states in which justice did not reign were unhappy and became increasingly unhappy the more they were removed from the ideal model.

He also seems to have had a passing idea of a city of humanity (*Republic* IV 12) to which he extended his psychological analogy of orders and classes of men and his historical generalisations. 'As in all ideal polities, the individual was submerged or subordinated for the good of society or a new social order where a perfect justice or justitia was to reign. But as an ideal polity was not immediately realisable, some actual polities which

approximated to it and worked for its promotion and realisation were considered necessary. These he sketched in his book on "Laws."

Plato gives us two types of cities or communities. One the ideal, the best, the desirable but unrealised, and the other, the actual, next best, possible and easily realised.

St Augustine was influenced by Plato as he cited him often. He adopted the general thought of Plato into his own general thought. Plato's philosophic idealism, and his ideal city based upon justice and laid up somewhere in the Heavens were taken as models. In contrast to the ideal city, Plato had described the actual and earthly cities of men and traced the progressive corruption of the ideal in the successive forms of the actual. In his ideal city there was righteousness (Justitia). It consisted in each of the citizens performing properly appointed functions of his particular station. A city founded on such righteousness was just. In the actual and earthly cities unrighteousness ruled. There men departed from their appointed tasks and encroached on those of others.

St Augustine took this Platonic distinction between cities and christianised it. His idea, however, of righteousness was different. It was not a system of right tasks and just relations between classes based on the idea of social station. But it was to be a system of right relations between man and God, and consequently between man and man. It was based on the idea of man's faith in God's will as a guide for a system of right relations and of God's grace as rewarding such faith. Thus faith and grace restored the system of right relations which existed before the fall of man through the "election of the faithful."

### **Augustine's Age.**

During the earlier centuries of the Roman Empire, the process of disintegration in its society and religions was going on. A system of self-contained societies which were solidly united internally and were protected from all external social, political and religious influences was the characteristic of ancient classical civilisation. It had now changed completely. This new period saw a mixing of peoples and a cosmopolitan society hitherto unknown in the classical world. The movement of peoples was going on within the empire. All the larger cities had become cosmopolitan. National, social, intellectual and religious

differences were gradually fading. Thinking was becoming eclectic. There was growing a community in habit and thought and even of religious belief.

Wandering students, itinerant professors and peripatetic missionaries of new cults went about discussing, disputing, teaching and preaching. There were moving bands of devotees, the prophets and priests of Syrian, Persian and possibly Hindu cults. Thus the end of the third and the beginning of the fourth century was an age of religious excitements and of curiosity of strange faiths.

### **Stoicism.**

"This mixture of peoples, this new cosmopolitanism, this hurrying to and fro of religious teachers, brought about a number of conversions." In this the influence of Stoicism was great. Its philosophy gave the substructure to Roman law. Its thinkers were mostly orientals, neither Greeks nor Romans. The greatest non-Christian thinkers at the time were also orientals. Oriental ideas were slowly changing Rome's political institutions themselves. Eastern thought wedded to Hellenism was in its turn subjugating the empire. Its religions had also their share in the conquest of the conquerors.

They taught a series of new religious conceptions. A sharp distinction between the soul and body was drawn. The soul belonged to a different sphere and was more estimable than the body. The former was the inhabitant of a higher and better world and was therefore immortal. Instead of the thoughts of cities and States the thoughts of individuality and world community came to the fore. In the same way the thoughts about God and the world were being distinguished. God was what the world was not. He was something good and great. He was the primal basis of all things. Consequently, the world of matter began to be depreciated. The material world and body began to be considered as a mistake. They came to be considered as a prison or house of correction or sojourn in which the soul was detained and disciplined. It was, therefore, necessary to deliver the soul from the body and the world of matter. Such deliverance was called salvation. A number of ways of discipline and conduct to effect it were proposed and adopted. They were based on Knowledge, faith and conduct. These ways of knowledge, faith and conduct suggested and followed for living a pure

life here and with as little bodily contamination as possible with this world while this life lasted were considered to be the beginning of an entrance of the soul into the real and eternal life. Thus this began to be considered the way of return to God and to the blissful life of righteousness.

Under this conception lay the conviction that something more than human knowledge and wisdom, something which was outside man and belonging to the sphere of divinity, was needed to start and strengthen the soul on this way of return. Therefore contact with God was needed to save and redeem the soul. Thus this conception of religion and life implied a detachment from the world and included a strict discipline of soul and body while life lasted.

This was also largely the oriental view. This was also the argument behind the claims and authority of the Christian church which helped man in his salvation and redemption by giving him the necessary discipline and code of conduct and faith. This new paganism of the west developed by its contacts with the oriental philosophies and cults, and the pure Christianity had many things in common. St. Augustine was at first influenced by the new paganism born out of and based on Stoicism and Neo-Platonism.

### **Neo-Platonism.**

Neo-Platonism was the last phase of Hellenic thought. It had marks of oriental influence. It had lost the firm tread of Plato and Aristotle. It believed that the human intelligence unaided could not penetrate and explain all things. Its philosophy contained elements of hesitation and expectancy. The intellectual faculty of man was considered something intermediate between mere sense perception and some vague intuition of the supernatural. Therefore it wanted to discover the means to follow out this intuition and to attain by it not only communion but union with what was completely and externally divine.

Its great thinker was Plotinus (203—262 A.D.). His philosophy became the basis and buttress of new paganism in its fight against Christianity. It wanted to satisfy the deeper desires of the spirit of man. It believed in the universe of things seen and unseen as an emanation from Absolute Being, the Primal cause of all things. It differed, however, fundamentally from Christianity whose idea of

creation in time, whose doctrine of the Incarnation, whose teaching about the end of all things, whose claim to be the only one religion and whose exclusiveness were considered by Neo-Platonists and Neo-Pagans as irreligious, irreverent, false and hateful. They could agree with other religions but not with Christianity. They fought against it. From the first Christianity had proclaimed that the whole life of man belonged to it. It also held that whatever made man's life wider, deeper, fuller, joyous, contented, intellectual and vigorous was a part of its own. Therefore it assimilated the best in Greek thought and feeling. It appropriated Roman law and institutions. It absorbed the simple festivals of the common people, and some ideas of contemporary philosophies.

### **Stoicism.**

The decay of Greek City-States and their political institutions during the Macedonian and Roman empires led Greek thinkers to divert their attention from the speculation about the State and to direct it to that about the individual and his happiness, and the world and its law. It developed a lot of idealistic thinking about the universe and the individual. It even led to the idea that the State was not necessary to good life. To Plato and Aristotle a rationally organised state was essential to make the life of the individual both possible and good. Epicurus and Zeno, the founder of the Epicurean and Stoic philosophies, were however absolutely indifferent to political affairs and State. The age had become cosmopolitan owing to imperial conquests and resulting contacts and conversions of peoples of various countries and civilisations. The problems of the individual, the citizen, and the universe had become more important from philosophers' points of view. Therefore in place of the patriotism and speculation of the City-State came the universalism and individualism necessary in a rising cosmopolitan state of the future. The distinctions between the city and the city, between the Greek or Roman and the barbarian were broken down. Men viewed themselves as citizens of the world having public duties and responsibilities and also as separate individuals engaged in their private concerns and ideas of happiness.

Stoicism which was founded by Zeno (360 B C — 260 B C) made individual happiness the aim of life. That

happiness was to be secured by the suppression of the emotions and immoral desires for the demands of reason. They conceived of nature as the embodiment of universal law. Reason underlay the law and revealed the process of nature. The law of nature was fixed and immutable. Human reason was the divine element in the universe. It was understood by the common judgment of mankind. Stoics considered men as essentially alike and subject to the same natural law and had equal rights. They built a cosmopolitan political theory on this basis. All men were considered fellow citizens in a world republic. Universal natural law and universal citizenship came to be the two Stoic political ideals. These ideals were suitable to the new cosmopolitan society which was being born after the Alexandrian and Roman Empires came into existence. Barriers between Greeks, Romans and barbarians were breaking down. Social and civil distinctions were being swept away. Different peoples and nations were becoming members of one political system. Universal law and authority, universal citizenship and brotherhood were becoming political facts of the time.

Stoicism had thus an element of idealism, even utopianism. It tried to create and philosophise about a world state. It held a strong belief in the overruling power of the Divine Providence, and in nature as a true moral order. A life according to nature meant for them resignation to the will of God—a power that makes for righteousness and co-operation with all the forces of good. Right reason was the law of nature. Earlier Stoics had stated that a city of wise men or saints would not need any institutions at all. This world city of the Stoics became the city of God of St. Augustine.

Seneca (61 B.C. — ) who in point of time was nearer to St. Augustine and was a Stoic writer developed conceptions of the origin and character of the universal Society and the limited State which were also the characteristics of the whole tradition of Christian fathers. He regarded every man as a member of two commonwealths, the Civil state of which he was a subject, and the Society or greater state composed of all rational beings to which he belonged by virtue of his humanity. The ties of Society were moral or religious, of State, legal and political. He thus distinguished between worldly and spiritual interests, the claims of body and soul. Seneca's

Stoicism was a religious faith which gave consolidation and strength in this world, and also emphasized the contemplation of a spiritual life. It regarded the spiritual life higher and the sage and wise men greater. Thus the old classical conception of the unity of life within the State was breaking down and other-worldly philosophy or religious attitude was opening realms of life independent and above the life of the state.

This new aspect or interest or aim of life began to be organised independently and to embody itself in institutions and a hierarchy of its own. They meant to represent on earth the community or Church with its rights and duties conceived in the spirit of building up a Heavenly City. Seneca conceived of these two commonwealths.

Seneca regarded human nature as both inherently sinful and wicked and also humanitarian. Virtue was an endless struggle for salvation. He praised the personal virtues of mercy, kindness, charity, benevolence, tolerance and love of the great Society as more important than political virtues of the small society or state.

He also conceived of a golden age prior to and greater than the State. The State was not considered by him as the highest agency of moral or good life. Men were in that age happy, innocent and simple. There was then no greed or private property, no law or government. They followed voluntarily the best and the wisest men. It was the growth of avarice which destroyed this primitive purity. Men became greedy, selfish, and self-seeking. This necessitated coercion, law and government to curb the vices, corruptions and encroachments of individuals and groups. The institution of law and government was the necessary remedy for their wickedness and greed.

### **Seneca's Influence on Christian Thinkers.**

This glorification of an Utopian State of nature or a pre-political and meta-political condition of early human life had its counterpart in Christian thought. The revival or inevitable return of that state was also considered desirable and inevitable in the future. This idea greatly influenced Christian Theologians. They conceived of a similar condition of purity before the Fall of man, the story of which was contained in the Bible. Before the Fall it was a condition of Communism, where no state, law,



force, property or slavery existed. Nor were they necessary. In a perfect society where human nature was pure and not corrupt or lustful they were redundant. But after the Fall of man they became necessary, inevitable and desirable. In a fallen state they came to be considered infeasible and even divinely appointed means.

Seneca had regarded government as a temporary device or remedy for the evils of human nature. This differed greatly from the valuation of the classical theory of State which considered it as the highest agency and organisation for good and just life.

Seneca regarded the actual institution of the State as being conventional and not to be found in the primitive pure society. There was then no coercive order. It was a state of happiness, communism and want of conflict. But vice, avarice, corruption, wickedness arose. Therefore State and its coercion became an unhappy necessity in order to coerce or curb the evil tendencies of human nature. Thus later Stoics had developed a theory of a primitive catastrophe—Fall of man—which not only gave birth to evils, corruptions, sorrows and miseries of human life, but also developed the means or institutions which tried to overcome these evils and misfortunes.

This Stoic theory was adopted by early Christian fathers. They adapted it to suit their particular conceptions of human life.

St Augustine came under the influence of all these early and contemporary trends of thoughts—Platonic, Aristotelian, Stoic, Sceptic, neo-Platonist—before he accepted the teachings of Christ and St Paul and early Fathers. In his own and Christian philosophy of life these influences can be traced in detail. The Fathers had no independent or original or characteristically Christian conception of the origin of Society and State at all. They simply accepted it from the Stoics, especially the theory of Seneca, and adapted it to suit their own conceptions of human life. St Irenæus in his Book against Heresies (2nd century) states that government was necessary because men departed from God and hated their fellowmen and created confusion and disorder of every kind. Therefore God created authority to compel them to some measure of righteousness and just dealing. Sin of man made necessary the institution of government. It was a divinely appointed remedy for sin.

### **Influence of Church as an Institution.**

The rise of the Christian church with its own ideals, discipline and organisation, was also a great political fact in the social world of the time. It claimed to guide, govern and guard the spiritual concerns of its followers and converts independently of the State. This was the special contribution of the Christians to the politics of the period. It differentiated it from the work of the Stoics and neo-Platonists with whose social and political idea it had a number of similarities. The fathers of the Church agreed with them substantially in matters of natural law, human equality and the necessity of justice in a State. Their difference lay in the emphasis on a particular revealed law and a particular Revealer, and a special Church or community. The Church and its separate organisation, laws, and officials, introduced the conception of divided loyalty between religious and political authority, and the problem of obedience and coercion in case of conflict. There could not be an unlimited authority of and obligation only to the State, thus leaving the church out. Every man was held to be the subject of two authorities. In this way Christianity created the Church an authority beside and independent of the State and destroyed the old state or imperial absolutist idea of one supreme authority. Christianity assumed a dual nature in man and a dual control over human affairs. It differentiated them into spiritual and temporal. Therefore arose the problem of their inter-relation and functions and that of Supreme authority. Christians believed in the duties of religion as a supreme obligation to God. State could not interfere in it or direct or control it. This attitude was a great help in the promotion of political thought from the side of civic rights and liberty in ethical and religious matters and institutions. This aspect of Civil liberty could not develop in the old classical conception of absolutism of the State and divinity of the Emperor. The Christian church when organised claimed first autonomy and toleration for itself, then equality with the State as a parallel and independent but co-operating authority, and lastly supremacy and primacy as a superior power, and the state merely as a police of the Church, as a secular coercive functionary. There were possibilities of numerous conflicts in this dual interpretation of life, and dual organisation of authority. The problem of their relations was difficult to be solved.

The limitation of their jurisdiction was difficult to be achieved. Their spheres and functions could not be sharply discriminated, unless human life could lend itself to such dichotomy.

## ST. AUGUSTINE AND MARX

### Contents and Argument of St. Augustine's Book.

*De Civitate Dei* is a big book containing 22 small books or sections. Books I to X are a criticism of paganism and its assertion that political calamities of the Empire were due to the prohibition of pagan worship by Gratian and Theodosius. Books XI to XIV are an account of the origin of the two cities—the Heavenly and the terrestrial. Books XIV to XVIII give their nature, process and progress. Books XIX to XXII deal with their appointed ends, with the goal towards which they move and the consummation in which the logic of their process culminates. Augustine conceived *Civitas* as the whole human society which inhabited the earth (*Orbis terræ*). The Universe (*Mundus*) according to him embraced both the Heavens and the earth, and also the God, His angels, the souls of the dead as well as the human society. Then he classified those who belonged to the city of God and those who belonged to the city of the Satan.

*Civita Dei* was not only an apologetics but a philosophy of history. It also contained a new theology and a moral code of Christianity. As a history it dealt with and interpreted human events as the evolution of an epic or drama where God was the chief actor and where the struggle was not between a hero and fate but between man and Satan, and man and God. He acknowledged the absolute supremacy of the Divine Will. God could accomplish all things. He could save sinners. Man unaided could accomplish nothing. Christ was the representative and agent of God on earth. In Christ were all things. Christ was everything. His church and community were the only way and aid to salvation. No part of man's activity, no phase of his life was to escape the control of the Church which was to be the Supreme judge of all his thoughts, acts and sentiments. The Church was the direct heir of Christ and possessed all his powers of spiritual directorship. Thus his thought and arguments were theocentric and resulted in a theodicy as well as theocracy.

The Central idea of his book was that of two states or cities—one of God (Deus) and the other of Devil (Diabolus). The city of God was the community of the righteous, the elect, of those who yearned towards Christ and of those who clung to him. The city of Devil was the community of the unrighteous, the wicked. The first was not however precisely the Christian Church, but sometimes became identified with it. Similarly the second was not precisely the pagan state, but might often coincide with it. The one was founded on love of God which led to the contempt of self, the other, on the love of self which led to the contempt of God. The citizens of the first regarded the world merely as a place of temporary sojourn. For them true life—the life of righteousness and spiritual happiness—began in the other world. To the citizens of the second this world was the only real world. There, however, existed in this world a province of the city of God, namely, the Church which was doing the work of saving souls and inspiring the citizens of the earthly city to become the citizens of the heaven.

Thus Augustine's argument was completely dualistic. It rested on the theory of the Fall of man. The need for a Society or State sprang from this Fall. It contemplated a state of righteousness before the Fall and hoped to create a state of righteousness in the future towards which man must strive. The way to it was pointed out by the redeeming life and death of Christ and his message of the New Testament. Hence arose the theory of two cities, the theory of history and that of the relation and function of Church and State.

Augustine did not explain and interpret the course of human affairs with the help of the agency of man or his environment alone. He went beyond him and his worldly environment into a divine agency and into the eternal conflict of the just and the wicked, the righteous and the selfish. In this he traced the deep-seated motive power of history. His humanity consisted of the dead, the living and those to be born. They were held together by spiritual bonds. His territory included both the heaven and the earth. His conception of citizenship covered them and their inhabitants. But his church and State were located here on this earth as mere instruments with a functional rôle not with an exclusive authoritarian purpose.

If the earthly states were not lasting, was there a society which endured? He was in search of that society or city. He named it the City of God. It was not necessarily the whole Christian community or church. He wanted to find its essential characteristics. He tried to do this in his great work. According to him the fundamental fact of human life was the division of its interests—this-worldly and the other-worldly. Human history was therefore the story of the contest of two societies—the earthly and the Heavenly based upon that division. One was founded on appetitive and possessive impulses of the body, the other was for heavenly bliss and spiritual salvation. The first was the Kingdom of Satan. Its history began from the revolt of the Angels and ended in the pagan empires of Assyria and Rome. The other was the Kingdom of Christ and was seen at first in the history of the Hebrew nation and later in that of the Church and the Christianised Empire. The ultimate success would be that of the Heavenly city. All merely earthly states would necessarily disappear. They could not be permanent, because of their greeds and wars. All human history was thus the great unfolding of the divine plan of human salvation. The coming of Christ and the establishment of His Church were the turning points in this march of God in the world. Since their appearance no state could be just unless it was also Christian.

Thus we find in his book ideas of a dual organisation and a dual control of human society in the interests of spiritual and temporal affairs. One was the church in the hands of the clergy and the other was the state in the hands of Civil government.

### **His Conception of the City of God.**

The City of God, according to him, was the Kingdom of Heaven into which all Christians might enter for regeneration if they believed in God and His Son Jesus Christ. St Paul had spoken of it as a Commonwealth in the Heavens and yet as including the elect of those Christian believers here on earth who had been given by the grace of God the gift of righteousness. It was to this Divine Commonwealth or the City of God that Christians potentially belonged. According to St Paul they were fellow citizens of the saints. But as long as Christians lived in the earthly polity they were 'pilgrims' or, so to say,

'strangers' who belonged to another city but were temporarily residing as 'strangers' in a foreign body of citizens. Thus St Paul also conceived of two sorts of Cities—the Divine Commonwealth in the Heavens and the Human Commonwealth on the earth. The City of God was the city only of the righteous. *Justitia* and *ordo* were its chief characteristics. *Ordo* was a system of right relations and was allied to the idea of righteousness or *justitia*. "Remove righteousness and what are Kingdoms but great bands of brigands." The City of God was therefore the City of the righteous, and the city pervaded by a system of right relations, which united God and His Angels, and Saints in Heaven with the righteous on earth. It excluded fallen angels, and the souls of the unrighteous in the nether world, and the unrighteous who were living on the earth. The Heavenly City was an invisible society. It could not strictly be identified with the Church because the Church on earth contained Christians who were in the society but were not of it, because they were not as yet righteous and therefore could not belong to the City of God.

### **His Conception of the Earthly City.**

The earthly city contained all the pagans, the unrighteous Christians (ungraced) and the fallen (disgraced). It was 'a city of unrighteousness'. It could not be identified with the Roman Empire or any form of actual state, because the State also contained the righteous Christians or saints (graced), though they were 'strangers' or 'pilgrims' on earth which was merely a place of temporary pilgrimage, trial and experiences. Thus State was not absolutely unrighteous. It had a righteousness or *justitia* of its own which helped the righteous citizens in their march or way or pilgrimage to the Heavenly City by providing conditions and security for their mode and faith of life. It was thus a coadjutor of the Heavenly City. Thus the Heavenly City was a city of absolute righteousness. It had a system of right relations to God (*Ordo*). There were no defects or sin which were dissolved in faith and grace.

### **State.**

The State was based on its relative righteousness. It was a system of right relations which reckoned with and

adjusted to the sinfulness of human nature. It was the best possible under the circumstances where sin prevailed and man was fallen, and some only were doing the pilgrimage of faith.

This was the chief basis of St. Augustine's conception of the State, and also of all the social institutions, namely, the government, property, slavery, etc. These forms of dominion over men were necessary as a remedy for sin. He considered man's nature as dual. As a spirit he was to be a citizen of the heavenly city, as a body he was a citizen of this world preparing for his spiritual welfare in the next with the help of social institutions which were necessary to curb his avarice and to remove his sin caused by his fall from a state of bliss and spiritual happiness.

In an ideal condition of life for the righteous all things were in common and there was no state, but those who were on the way or fallen or sinful or greedy, these institutions of state were necessary partly to provide a punishment for greed and partly to provide a remedy. Therefore they were of relative righteousness. God willed the State as a remedy for the sinful.

The State was thus below the heavenly city but above the earthly city of the totally unrighteous. The state was therefore not an unblessed and Satanic institution. It was not a "*magnum latrocinium*" if it associated itself with the church, as there was relative righteousness in it. Kingdoms became great bands of brigands only when the relative righteousness was not there.

### Church.

Church and the heavenly city were not the same. It also had relative righteousness. It sought to spread the reign of righteousness. Its head the Pope did it with the help of its own laws and organisation and also with those of the State. Both of them were the instruments of righteousness. But which was the superior?

### Its Superiority.

St. Augustine considered it to be the Church as the heir of apostles, their aims and work and as the representative of the City of God. It alone could give authoritative pronouncements on disputed questions. His idea was of one universal church, as a single unit of faith, organisation and authority and of one Christian society.

### Relation of the Church to the City of God.

There was however a difference between the City of God and the Church, because not all who formally belonged to the Church as a unit of faith, that is, not all who have been Christianed were to be considered as righteous. The church might sometimes contain members who could not be also members of the City of God, and, therefore, would fall short of it, because of their unrighteousness.

### Relation of Church to State.

St Augustine did not discuss the question of the relation of the Church and state. There is no trace in his book of any system of 'Concordat' or agreement between Church and State demarcating their separate functions and powers and co-ordinating their common activities. There is also nothing indicated in it of the State established Church, nor of the superiority of the Sacerdotium over Regnum. We do not notice any theory of the power of the Keys or of two swords as developed by St Gregory, or of the sun and the moon or the donation of Constantine. He considered the Church purely as a pilgrim society living by faith in this world and looking to the grace of God in the next world. It was no doubt located on the earth by the side of the State. It acknowledged the divine origin and relative righteousness of the state and used the peace and security afforded by it for its own protection and mission. This doctrine of the City of God and the Church was ultimately subversive of the idea of the state and would finally eliminate its existence. It would lead to make the church as the only one and final society and authority. It is thus a theory more of *statelessness* than any kind of *Stateltness*. The process of history, according to St Augustine, was the process leading towards Christ's kingdom. That kingdom was desirable, inevitable and even determined to come.

### His Criticism of Plato.

He considered eternal life as contemplated by Christianity and realised by faith in and grace of God was the supreme good. There could not be any supreme good or happiness in this life only. To achieve it men must live rightly according to the Christian revelation. Plato's temperance, prudence, fortitude and justice alone could



not give it. There must be faith in and grace of God. The supreme good and happiness were not in here and now, but they were in the yonder and hereafter. Man was not free to do as he liked. The free will of man could not defeat the purpose of God and divert the course of nature. All nature was the creation of God. Thus St. Augustine contemplated of a universal order of law proceeding from God and pervading creation which alone, if observed according to the teachings of Christian revelation, could give universal peace. His *justitia*, *ordo*, *lex* and *pax* went together, *justitia* was the Christian conception of righteousness, *ordo* was the Christian system of right relations, and *Pax* was the Christian peace established under God's *Lex* (Law) in heaven and earth. *Righteousness* was thus the virtue or religion which developed faith and love of God and service and love of man.

### His Origin of State.

State was not sinful or illegitimate but necessary in its origin. In the original pure condition of man there was no such authority necessary because men were innocent. It was only when the Fall of man took place and vice or corruption established itself in actual condition of society that State discipline became necessary. The police, property and slavery were the consequences of this fall. All human institutions were necessarily provisional and conventional not natural. State with its coercive control of man by man and its institutions of private property and slavery were conditioned by and originated in the fall of man and his loss of innocence. This made necessary the origin of State as a power that would control human desires and vices and coerce them when required. As such it was meant to be an institution for remedying and correcting human weakness. It was not as Greeks thought to be an indispensable means to good life. The fact of sin and fall being there, state became a divinely ordained remedy for coercion and punishment. State was thus permeated by justice, but justice was not its essence or basis. The idea of one world society and that of a transcendental purpose in life determined the character and extent of political authority. Augustine however recognised the Roman Emperor, regarded his authority as derived from Heaven and enjoined the duty of obedience on the part of subjects to the imperial commands and called the emperor to defend

the church, to suppress schism and to stamp out heresy. The emperor however had no authority in the affairs of the church such as questions of faith and morals which were to be decided by the Councils and bishops of the Church. He created out of this "that Heavenly city which has *truth* for its King, *Love* for its law and *eternity* for its measure "

### The Essence of His Book.

The essence of his historical, religious and social doctrine was that the whole process or movement of nature and history was from God and was also towards Him, and that they existed in Him and because of Him. All existence, its progress, stability or decline were due to Him. Therefore to have faith in Him, to love Him, to depend on His Grace are the guides of human life. But they are all pre-determined by inscrutable decree.

### Effect of His Teaching.

The effect of his teaching was to depress the State, and to elevate the church and the idea of theocracy. He however did not use any expressions which clearly indicated the subordination of the State to the Church or clergy. The organised kingdoms of barbarians were not there. The clergies had not as yet come in regular conflict with Civil authorities anywhere. There had not as yet developed the political consciousness of the one and the religious consciousness of the other in the matter of their own authority and people's loyalty. He contemplated of a single universal society with two governments of Church and State co-operating with each other. Church and State were really organs of one society. That Society was *Respublica Christiana* in which religious and lay citizenship, sin and sedition, were one. It was to be guided by a single law of life (Revelation) and authority (theocracy). This law and authority set limits to Kings and States. Church was its custodian and exponent. They had to exercise their own limited authority or function for the realisation of the spiritual aims of which the church was the guardian. In all this argument underlay the idea that the church could not function or exist without the aid of the state. Its protection was necessary to achieve the spiritual aims and discipline.

### His History.

He tried to interpret the course of worldly affairs and its catastrophes in terms of the eternal will of God. To him history became a story of the unfolding of the eternal purpose of God in time and space. He traced it from the day of creation to the day of Final judgment. In it he saw the conflict of two societies as the chief feature. If it was the fate of earthly dominion to pass away, was there a city which endured? It was the City of God which endured, and also its agent the church on earth. He however did not create any dogmatic formulas, because the dualism of cities was not external, but due to a divided will within the man himself. It was a fight of spirit against matter.

### His Ideas of Free Will and Doctrine of Grace.

Another aspect of his theory was to find out as to how far we were free agents and how far we were guided and moulded by environment. He overrode both by his doctrine of the Grace of God which finally determined man's fate. All came from God, nothing from man. Grace was everything. Man had free will but only to do evil. His future was predestined. No good could be achieved without God's grace. It was freely given to the elect. There was the great Power outside himself which was irresistible. Thus, really speaking, the doctrine of Grace made free-will impossible and Church and State really superfluous. If God's grace alone and nothing else could come and lead men irresistibly to good and righteous life, then there was no need of any coadjutors or earthly instruments. God had already decreed what was to happen.

### His Political Theory.

His thought did not give us any distinct outline of any state at all. It only thought of *Respublica Christiana* which was not a state at all nor was it one church. We do not get in him the nature of political obligation between man and man, and citizen and state. There is no discussion about the ideal structure and true function of government which would satisfy the needs and aspirations of his worldly life. The essential function of the government was one of release or creating and maintaining conditions favourable to spiritual development. It was thus an ecclesiastical institution which was so to order the temporal as to

strengthen man's hold over the eternal. It had however an idea of a world state or community. Therefore with him politics became a branch of theology. State was not an all-inclusive and all-absorbing institution. It was only a limited and temporary instrument. There was no conception at all of any state sovereignty over any definite people occupying any definite territorial area. There was no idea of any political constitution and institutions. Its conception of superiority and independence of spiritual life however led to the growth of ideas of religious toleration and civil liberties.

We shall now summarise and make an estimate of his ideas of history and political theory.

His theory of history postulates that —

- (1) The human race was created less than six thousand years before 410 A D
- (2) It was a single species and that all its members were descended from one man
- (3) The will of God or Laws of God's Providence regulated the course and catastrophes of human affairs, the growth and decay of nations, their victories and defeats
- (4) The human race, naturally one, had its unity broken by the fall or sin of Adam, from whom have issued in consequence two kinds of Societies, two great cities, the one ruled by self-will and self-love, the other by the love of God and man, the one condemned and destined to eternal misery, the other under Grace and certain of eternal felicity
- (5) The epochs of history are (1) before the Fall, (2) from the Fall to the coming of Christ and (3) after Christ till the triumph of the City of God
- (6) The City of God which has grown up from the first alongside of the Kingdoms of the world will outlast them all

### HIS POLITICAL THEORY

It states that the State is necessary if not altogether desirable. Its justification is that it arose after the fall

as a penalty and also as a remedy for man's sin Its value is therefore relative not absolute Its function is limited and subordinate to promote righteousness under the supervision of the church Therefore its authority is limited to the function entrusted to it and to the purpose of righteousness which guides and controls it

He propounds, therefore, only the problem of the relations of the state and the church, and limits of their activities

## ESTIMATE OF HIS THEORY OF HISTORY AND POLITICS

### HISTORICAL THEORY.

#### Defects:—

- (1) It subordinates all aspects of life to the church or religious interpretation
- (2) It depreciates and degrades secular life
- (3) It takes no account at all of many important historical peoples
- (4) It gives most superficial and partial views about those whom it mentions
- (5) Its assertion of the existence, power, and wisdom of the First Providential cause is unsupported by adequate proof
- (6) It does not study or discuss secondary causes It simply neglects them It indulges in easy generalisations
- (7) It virtually identifies the history of a special people, the Jewish, as recorded for a special purpose in their scripture, with the history of humanity
- (8) It ignores and fails to appreciate independently the spirit of art, literature, science, philosophy, natural and ethnic religion, law, politics, as such, and in a word almost every phase of ordinary human life and culture
- (9) Instead of attempting truly and impartially to explain the totality of events and aspects of life by their scrutiny and study, it indulges in *a priori* conclusions and seeks to convert it into an illustration and verification of a theological system

- (10) It so emphasizes the distinction between the elect of the City of God and the non-elect of the City of man as virtually to destroy the unity of humanity and the hope of salvation of every individual

### **Its Merits:—**

- (1) It affirms the historical unity and progress which it, to some extent, implicitly denies
- (2) It recognises the importance of the moral and spiritual in the life and movement of humanity.
- (3) It represents history as one great whole guided by principles and proceeding to solemn issues through an orderly series of stages
- (4) It makes apparent that knowledge of history bears closely on the highest problems of speculation
- (5) It is the first attempt to find a plan in history and to trace the planning Providence behind it

## **HIS POLITICAL THEORY**

### **Defects:**

- (1) It is entangled in his incorrect reading of history
- (2) It is subordinated to his theology It is not treated independently
- (3) It ignores the tribal, feudal and other territorial factors and facts\* of contemporary European political society
- (4) There is an inherent distrust in the value of the State as state
- (5) The origin of the state is neither historically traced nor philosophically discussed Its nature is not properly interpreted Its structure is not studied Its function is partially and religiously stated
- (6) It expects a final distinction and disappearance of the state and its authority, when the City of God is finally established

**Its Merits:—**

- (1) It puts limits on the authority of the state over the conscience of the citizen. It is not an all-inclusive and all-absorbing authority. It subjects the ruler to law and *justitia*.
- (2) It recognises the civic rights of individual and also his right of resistance.
- (3) It relates to and subordinates the state to an international church or Society and thus minimises the causes of conflicts between independent states.
- (4) It recognises a higher purpose in life other than purely political.
- (5) It embodies a unitary conception of the State and the necessity of a single sovereign ultimate and omnipotent but guided by *justitia*.

St Augustine however only stated all these problems did not discuss them comprehensively and in details did not study the facts from political side.

# DEMOCRATIC THEORY IN ITS APPLICATION TO INDIAN POLITICS\*

BY

PROF. BENOYENDRA NATH BANERJEA,  
*Calcutta University*

## Introductory: The Eclipse of Democracy.

The Great War of 1914—18 brought about a re-arrangement of the map of Europe, but very soon in a world supposed to have been made 'safe for democracy' military despotism, absolute rule and autocracy began to entrench themselves, throwing democratic systems of government more and more in the defensive. The economic blizzard of the thirties of the century was another test for the democratic systems. A more direct challenge however has appeared in the last decade or so by the emergence of the totalitarian idea, clad in armour, with its 'youthful insolence' and novelty.

The democratic thesis has also been assailed from recent scientific and pseudo-scientific quarters. While biology, psychology and ethnology have advanced their discoveries of arraignment against democratic postulates, sociologists like Pareto and Michels have appeared with their learned tomes to prove the impossibility of actualising democracy. Democratic practice and theory have naturally come in for fresh appraisal under the circumstances. Thomas Mann, the Nobel Laureate and victim of Nazi wrath, tersely puts the urgent need in matters concerning democracy of "memory, reflection, re-examination, the recall to consciousness of a spiritual and moral possession of which it would be dangerous to feel too secure and too confident"<sup>1</sup>. Passionate as is his plea for democracy as 'a form of government and of society which is inspired above every other with the feeling and consciousness of the

<sup>\*</sup> A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

<sup>1</sup> *The Coming Victory of Democracy*, 1938.



dignity of man,' he recognises some of the contrariness of democratic faith and practice in the world of to-day, without a 'social reform' aiming at spiritual as well as a economic freedom

## II

### Democracy and India.

Under the canopy of a socio-economic revolutionary atmosphere relating to the preservation of democracy, it will not be inopportune to consider the issues which confront democracy in Indian political life

At the present moment, Europe and for the matter of that the western world is convulsed with what is described rather equivocally as a war for the preservation of freedom and democracy in Europe. The demand for India's collaboration in the war evoked the counter-demand for the declaration of war aims and their application to India. In the course of this constitutional and political controversy democratic tenets and practice have once again come in for a good deal of searching examination. The quickening of interest in India in problems of democracy and representation may further be ascribed to —(a) efforts at the mobilisation of public opinion by such bodies as the Indian National Congress, the Muslim League, Hindu Mahasabha etc., (b) extension of the franchise for elections to Provincial Legislatures and local self-governing institutions, (c) the minorities' demands for protection against alleged grievances and their formulation, (d) the rise of totalitarian states in Europe, and (e) the metamorphosis of certain politicians and political groups after having tasted the cares and responsibilities of power. I shall take up certain themes of topical reference for discussion in this connection

## III

### Congress Attitude.

Democracy and parliamentary government have always received the allegiance and homage of leaders of public opinion in India, notably of the Indian National Congress. While publicists generally sought to discover traces of corporate activities and parliamentary traditions

in Indian history, and Islam's proclaimed adherence to democratic practices (specially in social matters) were being recalled, the goal of parliamentary democracy for India was an accepted basic Idea in Indian political discussions. The British reaction to the early agitation of the Congress was largely aimed at establishing the unsuitability of democracy to India and to prove the impracticability of introducing British institutions in India. Congressmen and Indian nationalists generally, even now, hardly fail to pay their homage to democratic ideals and to swear by the grammar of democracy.

Since the assumption of office by the Congress in the majority of Indian provinces there has been a marked change in the attitude towards some of the accepted tenets of parliamentary democracy in certain high Congress quarters. The creation of a central Parliamentary Subcommittee prior to the elections, with ultimate directing authority throughout British India in implementing and co-ordinating the parliamentary programme of the Congress, had roused protests from several quarters. There is the difficulty of reconciling one's allegiance simultaneously to the provincial electorate and the All-India High Command, a position of contradiction inherent, however, in any rigid party-organisation. First, there are the difficulties arising out of distance,—the possibility of the High Command being influenced by one-sided presentation of the cause of a dispute and misrepresentation. Secondly, there is the anomaly of a situation where a ministry from its formation to the execution of policy have got to satisfy both the local party and for the matter of that local legislature and also the Congress High Command and the All-India Congress Committee.

The whole issue came to a head at the time of the Khare episode. Significant statements were made by Mahatma Gandhi and Dr. Pattabhi Sitaramayya in that connection. It may be recalled that apart from regional and personal issues, the Working Committee while condemning Dr. Khare, also passed judgment on the Governor of C. P. as Dr. Khare's resignation 'was the first direct cause of the exercise for the first time since the acceptance of office by the Congress by a Governor of his special powers whereby Dr. Khare's three colleagues were

dismissed' But, this constitutional issue apart,<sup>2</sup> the whole episode involved the use of methods which could not be justified by normal democratic practice

We should, in all fairness, take into consideration the explanation of the action of the Working Committee Dr Sitaramayya, in addressing the A I C Committee (in December 1938, Delhi) claimed that the Congress had developed a hierarchy of administration comparable to the British administrative structure in India, and observed "If there is any person who imagines that our structure should be subordinated to the flimsy notions of democracy and parliamentary conventions, let that person remember that we are in a stage of transition Those goody goody notions of constitutional propriety are not applicable to the Congress in the present conditions prevailing in the country"

Mahatma Gandhi also, in a similar strain, defending the position of the Working Committee wrote in the *Harizon* "For internal growth and administration, it is as good a democratic organisation as any to be founded in the world But this democratic organisation has been brought into being to fight the greatest imperialist power living For this external work, therefore, it has to be likened to an army As such it ceases to be democratic The central authority possesses plenary powers enabling it to impose and enforce discipline on the various units working under it Provincial organisations and Provincial Parliamentary Boards are subject to the central author-

<sup>2</sup> The Governor acted on the advice of his Prime Minister and the propriety of his action stands on a par with the events leading to the formation of the National Government in 1931 in Great Britain Further, there was the "Instrument of Instructions" issued for the guidance of the Congress Ministries and, in an indirect manner, of the Governors of provinces, by Sardar Vallabhbhai Patel as Chairman of the Parliamentary Board on July 30, 1937, soon after Congress Ministers assumed office, which stated, *inter alia* "In view of the collective responsibility of the Cabinet and in view of the present position of the Congress Party which is naturally not very strong the Governors should be requested to deal with the Prime Ministers The practice of the Governors calling individual Ministers should not be started or must be discouraged On special occasions individual Ministers may be called with the consent of the Prime Ministers"

Vide *The Indian Annual Register*, Calcutta, 1938, Vol II.

ity " He repudiated that the Congress was trying to shape itself after the Fascist Grand Council because the former was anchored in non-violence though it might talk the language of war

Since then, as is well known, charges of caucus-rule in the Congress using the shibboleth of discipline, of secret negotiations and connivance at jobbery have been made even by a retiring President of the Congress. The question naturally arises as to the limits of democratic behaviour on the part of an organisation aspiring to usher in democracy. Whether it is the argument of discipline, or war-conditions, which is used to defend the High Command's position, there can be no denying the fact that by its recent attitude the Congress has converted itself into a party aspiring after power, and ceased to be a democratic platform for the interchange of views leading to the emergence of national public opinion.<sup>3</sup>

One is tempted to find an analogy between the Congress approach to the problems of democracy and liberty until independence is realised, and the communist approach during the transition to the goal of communism. Only the dictatorship of the proletariat is here substituted by a benevolent dictatorship for the emancipation of the masses by a coterie. And that is a distinction with a difference. Because underlying the objections to Congress dictatorship there is the criticism which must be aimed at all manifestations of authoritarian rule the exercise

<sup>3</sup> With regard to provinces under non-Congress administration also most of the above argument will substantially be relevant. The dictation by a Central Body, though in a general way only, and the placing of obstacles to free discussion either inside or outside the legislature have been the occasion of complaint, also in Bengal and the Punjab.

The phrase 'dictatorship of the proletariat' is attributed to Blanqui. It is interesting to find Prof J. B. S. Haldane, the scientist, seeking to find an analogy between the Greek idea of democracy and the dictatorship of the proletariat. He also observes "I do not know whether Plato and Aristotle would have been more surprised to find the word democracy applied to a State like Great Britain with a hereditary monarch and peerage, and no direct rule by popular assemblies, or to find such undemocratic bodies as the Roman and Anglican Churches denoted by the word *ecclesia* (*eglise*). They might, however, have described the Soviet Union as an ecclesiastical organisation" (*The Marxist Philosophy and the Sciences*, Ch. 6, New York, 1939),

by "sinister" economic interests of the power behind the throne and the attempt by self-seeking groups to use high-sounding phrases and patriotic movements for their own purposes. The dictatorship of the proletariat seeks to usher in a regime to end all forms of tyrannical rule and exploitation, not only in the national but also in the international sphere.

Thus observed the *Communist Manifesto* "In proportion as the exploitation of one individual by another is put an end to the exploitation of one nation by another will also be put an end to. In proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end."

Are the army regimentation, dictatorial control and other measures of the transition in our public life intended to bring about the consummation of the decay of a senile Imperialism, the forces of world finance-capital and the feudal remnants in our country? Or will the entrenchment of nationalism again usher in a period of struggle between those who have come to power and the political and economic proletariat? Congress professions in the matter are well known and should have satisfied progressive political thinkers, but Congress in office has brought to the notice of many the incompatibility of professions meant for another socio-political order being mimicked under totally different conditions and circumstances. The morale of a progressive political organisation is bound to be affected by even these "transitional" measures, even though applied in a "non-violent" environ-

#### IV

#### Minorities and Democracy.

But the democratic case has been seriously assailed from another quarter. The minorities in India which include religious, class and opinion minorities have been expressing themselves through some of their spokesmen against the introduction of mere majority rule. It is not my purpose to enter into a discussion of the origin of communal demands and consequent safeguards. The published correspondence and papers of John Morley and Lord Minto and the Nair Committee's investigations on the "command performance" of 1st

October, 1906, have laid bare the genesis of Muslim demands<sup>4</sup> similar revelations might also be forthcoming with reference to the claims by other classes and communities. Yet any impartial observer will agree that there is uppermost in the minds of several minority groups in the provinces a sense of insecurity and an apprehension that justice as a democratic postulate was hardly to be realized under a mere majority rule under Indian conditions. Recently Mr M. A. Jinnah startled even many of his co-workers and colleagues by his candid and aggressive criticism of democratic rule in India.

Lurking behind the minorities' distrust of democracy, however, may be discovered a conflict of aspirations and motives. Undoubtedly, mere numerical justice would not be accepted until and unless as some have argued, the conditions of social and economic equality are secured. I would go farther and suggest that in India some of the basic institutions of social and religious customs predicate a situation which for some time to come make assimilation of conflicting class and communal claims impossible through the merely politico-constitutional process. The argument in favour of proportional justice, on the other hand, has even the support of Karl Marx. In his *Critique of the Gotha Programme*, Marx dissents from the democratic slogan of 'equal rights' and points to the natural inequalities of men and envisages a society where ultimately identical amounts of labour and reward shall not be enforced. I do not, therefore, find anything really objectionable to progressive minds in allowing weightage in favour of minorities.

The question naturally follows on what grounds can such weightage be allowed? Without going into a learned digression over systems of minority protection, one can suggest that the claims of interests in the shape of commercial privileges, caste privileges or feudal privileges do not come under any democratic formula except the distorted early democratic and liberal slogan of sanctity of property rights, which has recently been carried to excessive lengths in confronting President Roosevelt's recent experiments. Communities claiming special safeguards and assurances relating to their culture,

<sup>4</sup> *Vide* a paper by T. Chakravarti at the Indian History Congress, 1939, (*Calcutta Review*, January, 1940).

language, social and religious practices must be satisfied in full so long as some of these barriers to a closer community-life are not obliterated by the emergence of newer social and economic conditions

### Nationalism, Communalism, and Provincialism.

Provincial autonomy has also ushered in a new problem. Democracy and nationalism have been the 'Siamese twins' of our political ideology. Recently, we had exhibitions of the curious spectacle of an anti-democratic totalitarian approach to political problems being coupled with an ardent faith in national glorification and destiny.

Nationalism in recent years, it is well known, has assumed a narrow and militant aspect and has been characterised as a 'Creed of wars'. As a recent writer remarks, it "proclaimed the right of a nation not only to be but to *grow*, to gain 'a place in the sun,' to fulfil its 'manifest destiny,' to 'take up the White Man's Burden,' to carry on its '*mission civilisatrice*'". The most uncompromising of reactionaries became the most ardent of nationalists. Big business and propertied interests were not slow to see that the national state could be an invaluable ally in the struggle for survival and expansion. So nationalism grew into economic nationalism which in turn flowered into economic imperialism. It was the new nationalism that fought the war and made the peace. And it is the new nationalism, beyond any question, which now propels the world toward another general massacre."<sup>5</sup>

In India also we have been feeling the impact of this 'new' nationalism in our political life. Vested interests have not been slow to take advantage of the situation. What is worse still 'Provincialism' of a bitter and unedifying variety has appeared almost as a corollary to this false nationalism. The democratic approach to Indian problems has also thus been assailed as a result of the partial introduction of an all-India constitution in the provincial sphere only, which as many people prophesied would lead still further to the blurring of a common out-

<sup>5</sup> Chester C. Masey. *Political Philosophies*, New York, 1938.

look in public affairs. A Marxist might rejoin by quoting *The Communist Manifesto* —

“The working men have no country. We cannot take from them what they have not got. National differences and antagonisms between peoples, are daily more and more vanishing, owing to the development of the bourgeoisie, to freedom of commerce, to the world-market, to uniformity in the mode of production and in the conditions of life corresponding thereto. The supremacy of the proletariat will cause them to vanish still faster.”

But it would be unreal to ignore the forces which have appeared on the surface after a quasi-democratic experiment albeit tinctured by the virus of exotic influences. Talking of Eur-America, Laski has sought to explain the emergence of anti-democratic forces by drawing attention to the fact that “the motives of production in a capitalist society are in contrast with the theoretical end a democracy seeks to serve.” A consequence has been the emergence of Fascism resulting in the dissolution of the “uneasy marriage between capitalism and democracy . . . by the simple expedient of forcing the masses, by terror, to renounce their claim to increased material welfare.”<sup>6</sup> Are not some of the forces behind communalism and provincialism traceable to the same impact of interests masquerading under respectable doctrines, and gradually seeking to leave aside democratic, open-air responsible methods in favour of authoritarian control to which the “new nationalism” drags capitalist democracy even in its developed stage?

## VI

### Non-Party Government.

Another line of approach to meet the situation in India has become familiar to many. This may be described as the plea for an all-party, all-community, coalition system looking up to the Swiss executive if not the constitution itself . . . for a model. Much was heard

<sup>6</sup> H. J. Laski—*A Grammar of Politics*, Introduction to the Fourth Edition, p. xiii—xv.



of it during the Simon Commission, the All-Parties Conference and the Round Table Conference discussions. Recently, the demand for a representative executive at the centre has been followed by an influential press agitation in favour of Congress-League Coalition in the centre and the provinces also. From another standpoint, but agreeing with this premise, is the plea put forward by Srinivasa Iyengar, an ex-President of the Indian National Congress: 'Democracy of the Anglo-Saxon brand with its wire-pulling, party caucuses and unreality, has not been a boon to the Indian country-side at least. More at the bottom but virulently at even the top, in the opinion of the present writer, the venom of the exotic plant of party-government has been steadily corroding the body-politic of India. The central features of these proposed departures may, therefore, be discussed.

It should, however, be recognised that such an arrangement presupposes certain conditions. Do they exist in India to-day? Bryce in enumerating the causes of the comparative weakness of party-government in Switzerland alone among modern democracies points out that.—

- (1) For a long time there has been no vital issue before the Swiss nation dividing the country; the form of government was long settled and the bed-rock of democracy reached. These are not fulfilled in the case of India, faced as we are to-day with the stiff opposition of minorities.
- (2) Class hatreds have been absent and there had been little economic discontent in Switzerland for a long time. The Indian experience is that in certain provinces the political situation is darkened by the landlord-*Kisan*, *mahajan*-debtor, capital-*majdur* and provincial jealousies based on economic or pseudo-economic issues.
- (3) Personal leadership is less conspicuous, hero-worship is foreign to the Swiss nature, politics are a serious matter, a business.

<sup>1</sup> *Problems of Democracy in India*, Madras, 1939.

<sup>2</sup> *Modern Democracies*, Vol I, Ch XXX.

matter, not a game (as it is described in English-speaking countries) In India personal adulation is almost a national trait, if not for the people at least for ambitious politicians alas, their number is not few<sup>1</sup> politics offer a pastime or sometimes a sport to use the millions of their followers for the advancement of pet schemes or group leadership

- (4) Patriotism,—a patriotism which puts the interest of the nation above all democratic differences, holds all the Swiss together, in spite of the various linguistic, religious and other sectional differences Can we boast of such a standard in our approach to public affairs implying as it does an absence either of parochial or extra-national affiliations?

The views of Bryce relating to the "tone of public life" in Switzerland may be regarded as somewhat out-of-date and overdrawn But it must be apparent that the field in India is not yet clear for anything but a patch-work coalition Without a well-united community-life broad-based on a common economic outlook and a unity of mind in regard to essential standards and values in public life, the dream of reproducing the Swiss system or any of its equivalent will remain only a dream unrelated to realities

## VII

### Conclusion.

This may appear pessimistic But behind the problems of Indian politics to-day there is the accumulated debris of a short-sighted policy followed by the agents of foreign imperial power in matters relating to mass education, economic<sup>9</sup> development and the nourishment of institutions of self-government which had existed even though in an embryonic stage On the top of a crumbling structure, came the impact of organized finance-capital and the emergence of a political power to back up that

<sup>9</sup> This has been fully acknowledged by Lord Hailey in a recent speech

economic system Everything became topsy-turvy and it is only recently that India is in a position to consider seriously the planning of her national life in a comprehensive manner This leeway of decades, the wiping out of earlier traditions in corporate life and the economic and religious complications of the present century all these are heavy handicaps Democratic theory to-day urges a re-orientation of the socio-economic order as a *sine-qua-non* of the emergence of a new and real democratic system So far as India is concerned sooner rather than later, she should be led into that process and at the same time mould her institutions in a manner more suitable to the genius of such a system If, however, the excrescences and anachronisms, like communal and class-representation, high-property franchise, safeguards in favour of vested interests, etc , are admitted as principal features of our public life, a democratic system can never flourish in India Drastic and revolutionary changes are therefore to be welcomed by all those who cherish the cause of democracy and the dignity of man, for in India they have long been neglected and an analytic study of the complex situation should be followed by determined action For in the critical stage of our civilization and national development, the slogan for all lovers of liberty should be to follow the significant message of Bergson to a recent philosophical Congress "Act as men of thought, think as men of action " Democratic thought await its full idealisation in life and action, in India no less than elsewhere.

# THE PROBLEM OF RESPONSIBLE GOVERNMENT IN THE STATES\*

BY

PROFESSOR INDRA DATT SHARMA,

*Professor of Political Science, D A. V. College, Lahore*

## **The Retrospect.**

The last two years have been a period of travail. It even caused a flutter in the hitherto silent yet gay dovecots of the Indian Princes. They found themselves attacked on all fronts—consideration of the drafts of the Instrument of Accession, question of advisability or inadvisability of entering the Federation, safety of their own order, reorganisation of the Narendra Mandal and a hundred other problems demanded the time and energy of the Princes. Simultaneously the Viceroy, always sympathetic and helpful, sent his special envoy to help and advise the states on problems affecting the Federation. With the march of time the Princes are found busy in bringing about unity among themselves and their efforts ending in failure. The various Committees consisting of some of the Princes and their Ministers also tried to achieve this end but they also failed. The Princes along with their Ministers were working at high pressure when there appeared more complex question on the none-too-clear political horizon of the states, and the Princes found themselves faced with a new problem.

Hitherto the Nationalist Movement in British India had not affected the Indian States and had left them undisturbed to pursue their own destiny. But the year 1938 saw the demolition of this barrier. What was the result of this demolition? New ideas, new standards of political values and other dynamic forces which had been in operation so far in British India alone crossed the borders and entered the domains where the writ of his Britannic Majesty does not run. The Princes puckering their brows at this unwelcome visitor, the people electrified with

\* A paper read at the Second Indian Political Science Conference, Lahore, January, 1940.

the new current, insistently claiming for representative institution and responsible Government, found themselves at their wit's end, hitherto the Princes and their people had managed to live together harmoniously with a difference here and a difference there. But now the peoples of the states contended that they did not desire to live under conditions which they considered no better than serfdom. The states people looked to the Congress to help them but its Haripura Resolution left them to their own resources. They organised themselves and carried the movement with a zeal and determination, which bewildered the Princes, their bewilderment was natural. In some states the whole basis of an established Government seemed on the point of disintegration. With the passage of time the struggle became more acute and the defiance of the States Government more wide-spread. It was an extraordinary development in the history of the States, where the authority of the Princes and their administration had never been questioned within living memory. The States utilised the same weapons which were applied in British India to stamp the tide of Nationalism. Bullets, batons, prisons and Lathis were tried in turn but failed to make any impression on the soul of the people. One is constrained to remark that it was the lack of imagination on the part of the States' Administration which, more than anything else, was responsible for these episodes. They should have learnt a lesson from the history of British India. With a little tact and imagination the whole current might well have been directed to more useful channels. But they did not see the signs of time and at the call of the Jam Sahib the Princes began to find ways and means to meet this new problem together. This produced a reaction and led Mr. Patel to taunt the Princes that if it is not possible for them to unite for any common purpose except for a general demonstration of loyalty to the Paramount Power, that call on the part of the Princes for unity among themselves would necessarily mean a similar call for unity among 8 crores of the states subjects. In this controversy Mr. Patel made a contribution to the theory of the Sovereignty of the Princes. He said that the Princes derive their sovereignty not from the paramount power but from the people. It became the basis of the movement in the various States, and though to-day there is a stalemate in the Indian

political situation due to the War in Europe, it may be said to be a lull before the storm so far as India is concerned. Apart from the immediate question between the British Government and the Congress, between the Congress and the States, the controversy between the States and the People of the States regarding the grant of responsible government is bound to occupy the Indian Political stage sooner than is anticipated, and it is the purpose of this paper to endeavour to make an objective analysis of the problem and make an effort to find out a solution.

### **The Problem.**

The problem briefly and simply stated is the people want responsible government in the states, they do not want to be deprived of their rights as citizens to share in the Government of the States and thus demand an introduction of truly representative institution in the framework of the States Government. They do not want to be governed as cattles. In short they want the enjoyments of their civil and political rights to their full extent. It is not possible for the Princes to countenance such a demand since they still believe in the much criticised and now exclusive theory of divine right of king. Their ancestors either conquered the territory with the might of the sword or received them as grant either from the Mughals or the British which they rule now and therefore cannot see their way to allow their people the control of the States Government. To this has been added another factor. Since the States entered into relation with the British, they claim that their obligations are such which cannot warrant the grant of responsible government to their people, because it would not make it possible for the Princes to fulfil their obligations to the Paramount Power. The movement in the States is incomprehensible to the Princes.

### **The Problem Analysed.**

Thus we find that the problem of responsible government in the states is fraught with many difficulties and is full of delicacy. How to reconcile the two opposite forces—autocracy and democracy—in the States and harness them for the purpose of creating a free, happy and united India. On behalf of the Princes it may be

argued that they are not pledged to the grant of responsible government to their people. There is no legal obligation on their part to grant responsible government. It has never been declared by any Indian Prince that his goal is the establishment of complete responsible government. Further their obligations, treaty and otherwise, to the Paramount Power are such which preclude any idea of Responsible government in the States. The difficulty of the question was publicly stated by Sir C. P. Rama Swami Iyer, the Dewan of Travancore, on behalf of the Princes. It was argued by him that it was not within the Powers of the State Rulers to grant responsible government since it interfered with their obligations to the Paramount Power and that the problem was bound up with the relations of the Princes with the Paramount Power. It may further be said that the ultimate theory of the Government in the states is that of the absolute and personal rule and the people at the present are simply being carried away by the political influence across the borders and there does not exist a genuine desire for responsible government among the people of the States, the bulk of whom are still loyal and faithful to the Princes, and therefore this agitation for responsible government is a commodity imported and not a native product. Hence it does not call for any serious consideration on the part of the Princes with regard to the chance in the form and methods of government in the States.

The position of the Princes is obviously strong. These arguments and considerations seem quite valid on their face. But a close analysis will reveal that these arguments and considerations do not hold their ground.

It is true that the ultimate and practical theory of government in the States is that of the absolute and personal rule. But who is responsible for making the deviation in the practice of this theory? The Princes themselves. The rulers—some of them—introduced some reforms and institutions of representative character in their states and this has encouraged the States people to believe that representative government is better than personal rule. Having once started the tendency towards the reform it is not possible for the Princes to call a halt half way. No one can deny that none of the Princes has

declared responsible government as a goal. But the people have been led to believe by the Princes themselves that the introduction of representative institution—be they what they are—in the states is the indication of the intentions of the rulers that their aim is the establishment of responsible government in their states. This idea rules out the suggestion that they have not legal obligation on their part to introduce responsible government in their states. They have no legal obligations to introduce even those reformatory measures which they have done. It may not be any legal obligation but they have an obligation which is greater and more imperative than any legal obligation. It is now a moral obligation on which it is not possible for them to go back. If they do so it will be fraught with dangers to themselves and their people. Not legal obligation but practical necessity demands a change in the theory of government in the States.

The plea that the obligations of the Princes to the Paramount Power preclude any idea of the introduction of the responsible government also does not hold ground now. The position taken up by Sir C. P. on behalf of the Princes has been refuted by the Paramount Power itself. The Under Secretary of State for India, in a statement, in the House of Commons on December 16, 1938, said "The Paramount Power will not obstruct the proposals for constitutional advance initiated by rulers, but His Majesty's government have no intention of bringing any form of pressure to bear upon them to initiate constitutional changes. It rests with the rulers themselves to decide what form of government they should adopt in the diverse conditions of Indian States." Thus the Princes cannot plead that it is not within the Power of the State rulers to grant responsible government. The question of obligations to the Paramount Power is no doubt intergency. Neither the Paramount Power nor any Prince nor even Sir C. P. has ever said anything beside as to what was the extent and volume of these obligations.

The other consideration with the Princes is their treaty relations with the British Government who has guaranteed their dynastic rule and who in its turn depend upon the Princes to help it in Imperial and Indian causes. In more recent times many rulers of states have made a tactical blunder and thus have rendered their rule more



repugnant than ever looking for support to the Paramount Power in their drive against the forces of liberty and humanity. The Princes should remember that the Paramount Power with no amount of force at its command can protect them against their own people. It will not make an alliance with the Princes to form a bulwark against Indian peoples—march to freedom and self government. Sooner or later the Paramount Power will have to desert her old companions. It need hardly be pointed out at this time that the morality on which these treaties are based are not defective but also perverted to all canons of social and moral justice. The sooner these treaties are changed the better for the Princes. The Princes are mistaken to think that the Paramount Power will respect these treaties if it does not suit their own interest. We only wish to point out to the Princes that everything else is changing. The British Crown is going to be replaced, as far as the final control of Indian affair is concerned, by the Indian People. This tremendous revolution is bound to happen sooner than is anticipated. Then are these treaties the last words of human advancement even where the whole of India is concerned? It may sound strange and even destructive but if one may ask, have these treaties remained unchanged since they were first made? Have they not been interpreted mysteriously and have all sorts of traditions and abstractions not been made? Has not the Paramount Power torn these treaties whenever it suited its purpose? Will it not tomorrow do the same thing again if it suited its purpose and if it deemed it necessary to set aside any of the important conditions of the treaties? There is no force on earth, no moral law that will prevent it. If these treaties or their articles could be altered for one purpose, could they not be changed in the interest of the people of the State? What can be of greater importance than the interest of the Princes' own country-men?

It cannot be said to the credit of the Princes that they have shown proper understanding of the problem. It seems to us that constitutional government is anathema to the Princes. They would not conceive even the elementary rights of citizenship to their people. Constitutional government is good enough for the king of England—the greatest king known to history—but it would not be looked at even by a princeling in India.

No one denies that some of the Princes are wise, and many of them are even intelligent and therefore we cannot believe that they are ignorant of the tremendous forces released at present. They must realise that they are at a very critical and grave period of their history. The times are delicate. The wheel of revolution is moving all the world over. It is moving with a terrific speed in India. The Princes have a unique opportunity to do the greatest service to their country and people.

A good deal has been said to blame the Princes but not enough has been said about the truculent and unreasonable attitude of some of the front rank British Indian Politicians who consider the states a mere anachronism which must be done away with as painlessly as possible in the lethal room. It is fortunate that this is not the view of the most powerful and the biggest political party in the country nor is it that of the people of the state who are still loyal and faithful to their rulers and do not want the total extinction of the Princes but only a change in the method and form of governing. It must be pointed out here that at this critical moment we ought not to do anything to scare away and alienate the Princes. Their position needs more of pity and sympathy than condemnation. Hatred begets hatred and violence will result in greater violence.

Thus we have seen that the difficulties argued on behalf of the Princes in the way of introduction of responsible government are not real. The movement for responsible government has already caught the imagination of many of the rulers of the smaller states. It will be before long when the bigger states will also follow suit and fall in line. Thus in the presence of the statement of the Paramount Power—whatever its implications, the states people believe that the Princes are free to grant responsible government. Having admitted the principle and possibility of responsible government in the States, the next great problem is how to do it. The present evils in the states government are due to the irresponsible position of the supreme executive and the lack of representative institutions in the state. If the executives are made responsible without impairing the dignity and prerogatives of the rulers, the government in the States will have become responsible and constitutional. I venture to make the following suggestions for the solution of the difficulties.

**Solution.**

In the field of executive I would suggest

Firstly, every ruler should set up a State Executive Council possessing a representative character and enjoying the confidence of the people through their chosen representative—Legislature

Secondly, the Executive Council should be vested with real power and not merely with advisory functions as is mostly the case at present

Thirdly, it should act as a unit and on the principle of joint responsibility. The leader of the majority party in the State Legislature is to act as the first Councillor or the Chief Minister, responsible to the Legislature

Fourthly, the sphere of the authority of the Council should not be limited or divided as was done in the British Indian Provinces under the 1919 reforms

Fifthly, the ruler should create a healthy convention never to reject or over-ride the advice of the Council .

In the Legislative sphere I would suggest that each ruler should set up a Legislature on the following lines —

1 It should consist entirely of elected members

2 There should be joint electorate, for the interest of minorities, proportional representation may be utilised, or there may be reservation of seats, according to their ratio in the population

3 Special interests such as commerce, industry, and labour should have the right to elect their representatives

4 It should possess real Legislative powers. Bills passed by it should *ipso facto* receive the assent of the Prince. However, he may exercise a suspensory veto as is exercised by the President of the French Republic

5 For a transition period of 10 years the powers of the Legislature with regard to foreign affairs should be limited. It may discuss them, but its views may not be binding on the Prince. It is recommended in view of the

obligations of the Princes to the Paramount Power. This being expected during this transition period, the people and the paramount power will realise the changed circumstances and will evolve out some practicable and adjustable formula.

These provisions may be incorporated in a charter by each prince granted to his people. Changes may be made to suit variations in area, population and resources of each state. The Prince is the only authority in the State who can do it. To give the measure a popular sanction, the draft of such a charter should be placed before the people for approval. Democratic as the provisions are, they are bound to be accepted and approved by the peoples, the other alternative is to call a Constituent Assembly for the purpose. But this is full of many obvious difficulties, and therefore is ruled out of consideration.

The scheme has an additional merit of great significance. It will facilitate and expedite the establishment of the Indian Federation. Because by the adoption of this measure one of the greatest objections to the Federation Scheme, that it tries to reconcile two opposing Principles—the Democracy and Autocracy—will have been met since it will put the government in the state on the Democratic basis.

### Conclusion.

No scheme which is man-made can ever be perfect. Neither the genius of Manu nor the wisdom of Plato, the knowledge of Aristotle, the idealism of Moore, the socialism of Marx, the boldness of Mussolini, and the super-human confidence of Hitler, has yet brought us anywhere near perfection. But we believe with *malsome Rorty* that "The most precious possession of the nation is the idealism of its people—and the most terrible loss a nation can suffer is the waste of this idealism in vain plans and vain efforts based upon false and erroneous premises." Those who expect the Princes to give up their positions and traces show an utter lack of historical perspective.

To the Princes we would say to accept the 'Universe' and to do the reasonably good things that can be done and.

should be done rather than to struggle vainly for the impossible. If the Princes and their people can co-operate in ruling themselves on the lines suggested, posterity will not only smile on them but bless them as those who helped to create a great nation. We wish both the Princes and their people a more fruitful and more prosperous times and ask them to cheer up and remember, "if winter comes can spring be far behind?"

# WORLD-POLITICS AND POST-WAR ECONOMIC PLANNING

BY

DR BENOY KUMAR SARKAR,

*Director of Researches, Bengal Institute of  
Economics, Calcutta*

## **World-Planning : Japanese, German, Sovietic and British.**

The economic configuration of the two hemispheres, such as can be reasonably deduced from the statistical study of recent economic evolution is quite intelligible. We get the pattern of doses of autarchy amalgamated with doses of internationalism. Post-war reconstruction cannot possibly present us with world-embracing humanism.

World-economy is not to be understood as totalitarian cosmopolitanism, which is the common factor in the popular ideologies of "new order," "world-order," or "world-federation." Nothing more than a number of "organized internationalisms" on the economic plane is, at the present stage of inter-human relations and developments, conceivable as a system of practical business questions. These internationalisms are to be understood as more or less independent planetary systems of the commercial world revolving round certain dominant forces. The existence of a unitary solar system regulating the agricultural, industrial and commercial activities and institutions of the two hemispheres has to be ruled out of the picture. In the place of a totalitarian world-economy we have to visualize a number of regional or partial world-economies.

Obviously the analysis is mixed up with international politics. World-war II has perhaps concluded its first phase with the establishment of the Anglo-American-French powers in North Africa in the middle of May (1943). The second,—the tougher phase,—is yet to begin. The atmosphere of military, political, imperial-

istic and colonial ambitions and rivalries is dominating all economic discussions <sup>1</sup>

Each one of the leading belligerents has its own pious wish in regard to world-order. The wishful thinking of each power is integrally associated with its own triumph in the war.

The pious wish of Japan has to a certain extent been temporarily realized on account of her military-naval-aerial conquests since December 7, 1941. She is still in possession of the Philippines, Dutch New Guinea, Bismarck Archipelago (Australian), Indonesia from one end to the other, Malaya and Burma. She possesses the command of Indo-China (French) and is in alliance with or dictator to Thailand. Last but not least, Japan enjoys or commands the cooperation part of China under the Nanking regime. Besides, Japanese predominance in Manchukuo and imperial rule in Korea are the economic-political realities since pre-1941 times. The enormous mining, industrial, forest and agricultural resources of all these territories are being developed and the man-power equipped and organized by Japan to meet the requirements of the perhaps more strenuous half of the present war. Exports and imports between these regions as well as those of each with Japan are being regulated, controlled and rationalized with a view to the Japanese war-strategy. The currencies of each economic zone are being managed and established on the yen-basis. Japanese East Asia (comprising South-east Asia and South-west Pacific) is functioning in a co-ordinated manner. Objectively speaking, it already appears to be a counterpart of the British Empire or Commonwealth of Nations.

Japan expects that at the end of the war, say, by 1946, this Japanese "co-prosperity sphere" or Japanese Commonwealth of Nations will be treated as a colleague by the British, American, German and other empires. Japan is modernist enough to be able to grant elementary freedoms to her possessions in the rôle of a "protector," "trustee," "guardian," or guarantor of peace.

<sup>1</sup> Details are to be seen in B. K. Sarkar, *Political Philosophy Since 1905* (Lahore, 1942) Vol. II Part II Ch. IV, "Ideas and Ideals of International Relations." (See Amery, Barker, Cripps, Gerig, Goring, Hishida, Ishimaru, Konoye, Matsuoka, Reithinger, Schacht, Seton-Watson, Tanaka, Tojo, Yagi)

The world-order of the German pattern is not wishful thinking for the time being. A pan-Europa under German domination has been factually functioning since the fall of France in June 1940.<sup>2</sup> In May 1943 there is not an economic resource in the European continent from the Atlantic on the west to the neighbourhood of Russian Leningrad, Smolensk, Kharkhov, Rostov and Novorossisk which is not being mobilized under German command. All the European currencies have been linked up with the Reichsmark and the rates of exchange manipulated in consonance with the foreign trade exigencies of the German war-economy. The system of bartering goods against goods had been re-introduced by Germany and Russia on a large scale in pre-1939 years. The acculturation of Pan-Europa to this pattern of international trade, which fights shy of currency and exchange rates, was something like an accomplished fact on the eve of World-War II (September, 1939). The European Empire of Germany has been utilizing this barter-economy as a tremendous god-send. Incidentally it may be observed that it has been found to be quite a valuable precedent for the introduction of the lease-lend methodology in America's foreign trade transactions.

This *Europäische Neuordnung* (European new order) is the German people's reply to the British Imperial possessions in the four quarters of the globe. Germany, it should appear, is prepared to let England alone in her colonies, dependencies and protectorates in case she herself be granted a *laissez-faire* or a freehand with her possessions in Europe. The European Empire or Commonwealth of Nations under German dictatorship, trusteeship or guardianship proposes to furnish the "balancing" or counterpoise to the Asian, African, nay, global world-domination under British auspices. This sort of world-

<sup>2</sup> Some idea of Germanized Europe from a non-German source may be obtained in R. Worsley *Europe vs America* (London, 1942). The other side of the shield may be seen in P. Einzig "A Plan for Germany's Economic Disarmament" (*Economic Journal*, London, June-September, 1942). In E. Wagemann's *Der Neue Balkan* (Hamburg, 1939) as in Reithinger's *Das Wirtschaftliche Gesicht Europas* (Stuttgart, 1936) are discussed in detail in the methods by which the Balkan Complex may be enabled to function as the agricultural base for Germany's industry and food supply.



rationalization is not uncongenial to the German spirit Germany as a ruler of Pan-Europa will know how to keep accustomed as it is to the Nordicism of Spanglers *Verdensch ud die Technik* (March 1931) certain regions in the Balkan Complex and Russia eternally agrarian, and certain regions in Western and Southern Europe semi-industrial, and so forth As dictator of such a trusteeship or guardian of such an industrial and social peace on the European continent, Germany expects England and America to be satisfied with their own brands of world-order It is not clear as yet as to what German reactions are to the already established Japanese Commonwealth of Nations in the "East-Asian co-prosperity sphere" But the world-economy at the present moment has to visualize a *Pax Germanica* along with *Pax Japonica* as colleagues or rivals to *Pax Britannica* and *Pax Americana*

The Soviet plan of world-order is universally known<sup>3</sup> It is nothing other than a communist international Communism is the socio-economic foundation of every state in this plan The withdrawal of armies, navies and airfleets from colonies and dependencies by all empires is the *sine-quanon* of this system in world-planning So far as Russian imperialism in foreign territories is concerned, it was liquidated in November 1917 when Lenin withdrew the Czarist consular guards from China, Afghanistan and Iran But the bourgeois empire-holders were too powerful for Lenin He was, therefore, compelled to renounce his patronage of or association with the movements directed by Soviet Russia with the object of emancipating subject nationalities from foreign rule The Genoa Conference of 1922 is to be regarded as the grave-yard of direct and open *liaison* of Soviet Russia with the nationalistic revolutionary activities or patriotic movements of the peoples in Asia and Africa

The *status quo* is being maintained by Stalin until today It is questionable if it is possible for him to break the ice in post-war years, because he has not been able to achieve any mentionable victory For all purposes, then, Soviet Russia can hardly have a voice in world-planning

<sup>3</sup> J Stalin *Marxism and the National and Colonial Question* (New York) See also W Carrol *We're in this with Russia* (Boston, 1942), ch. on "Russia and Revolution," pp 237—244.

during 1946—50 In case German armies continue to operate on Russian soil when the war comes to an end Soviet Russia is not likely to have an honourable place at the peace-table There she has every prospect of being treated like France as a conquered territory and England and America as her deliverers She will have to be satisfied with whatever she can get from the Conjunction of circumstances An active and creative control over the world's destiny she can by no means exercise in the near future Besides, the Anglo-Soviet Treaty of 1941 binds Stalin down and immobilizes or neutralizes him in the same manner as the Genoa Conference of 1922 neutralized Lenin

But the post-wars are likely to be attended with communistic revolutions,—although with slight chances of success,—in vanquished territories Sympathetic revolutions of socialistic or communistic type may become contagious among neighbours Under such conditions Soviet Russia may have a chance,—temporarily and sporadically perhaps,—to operate once more as the leader of international communism throughout the world The formal and official abolition of the Communist International (May 1943) cannot prevent her from factually inspiring such movements and activities of communism

The world-order, of which diverse interpretations have been forthcoming among British statesmen, economists and other intellectuals, is typologically in the main but a British Empire writ large<sup>4</sup> The category, "commonwealth of nations," is to a certain extent being replaced by or enriched with the category, "trusteeship" On the whole, the new world-order of British spokesmen, comprising as they do all ranks and denominations of labour leaders and socialists, (excluding perhaps genuine communists), has its sheet-anchor or centre of gravity in the British Empire as it has been and continues to be. The British expectations may be conceived, in the first place, to be that this Empire will expand in Africa as well

<sup>4</sup> An Italian view of the expansion of England may be seen in C Scarfoglio *England and the Continent* (London, 1939) See *World-Order Papers*, a series of pamphlets issued by the Royal Institute of International Affairs (London, 1939-40) Horsfall's pamphlet is anti-German while Beveridge's paper maintains that a federation without Germany would be but another provocation.

as Asia. New dependencies, colonies or protectorates like India, Ceylon, etc., are expected to contribute to the territorial and demographic expansion of the British Empire as the definite result of the present war. A situation like this is quite conceivable in case Germany and Japan can be thoroughly crushed on land, on sea and in the air.

Apart from these territorial acquisitions there is the idea that a large number of small states, sovereign or semi-sovereign, in the two hemispheres will voluntarily get themselves affiliated to the British Empire. Such affiliations can take place by tariff legislation and currency linking. Be it observed that the mutuality of preference in tariffs between the factual British Empire and certain non-British states is evidently a question of practical politics. The consolidation and expansion of a Sterling-area in post-war as in pre-war years belong likewise to the normal course of world-economic developments.

In the third place, the formal abolition of extra-territoriality in China<sup>5</sup> is creating a situation in world-finance to which appropriate management will have to be employed by the British Empire. China is, like Iran, Turkey, the Balkan Complex, Poland, African colonies, Latin American States, etc., one of the numerous undeveloped and finance-hungry territories of the world. The exponents of British world-order are determined to see to it that none of these backward regions be monopolized for the purpose of trade and finance by any rival or potentially inimical empire-holders. This is the meaning of the movement in the United Kingdom to promote alleged international investments in needy economic zones. The plan for the establishment of so-called "open doors" in China, Africa, Latin America and so forth is tantamount to the project for the perpetuation of the British *status-quo* and the curtailment or abolition of inconvenient foreign influence in these areas. Extra-territoriality may have been abolished *de jure* in China as in other areas. But *de facto* extra-territoriality of diverse denominations will have to be maintained in the scheme of British world-order.

<sup>5</sup> See 'The End of Extra-territoriality in China,' (*Bulletin of International News*, London, January, 23, 1943).

A fourth idea is the establishment,—no matter what be the name,—of some sort of a League of Victors under Anglo-American guardianship. For the period of, say, five years, this League may be expected to police the world, especially wherever it is likely to be affected by German or Japanese germs. The chief object of such a League can but be to counteract the world-economic trade, tariff and currency measures of Germany and Japan. This is the fundamental message as much of Gelber's *Peace by Power* (London 1942) as of King-Hall's *Total Victory* (New York 1942), both British publications.

British statesmanship and economic thought are too realistic to indulge in wild schemes of a world-state or the global federation of equal nations. The British Empire, consolidated, enlarged and rationalized, dispensing *Pax Britannica* to the subject peoples and administering concessions or favours to non-British states is the centre-piece in every scheme of British world-planning. England respects Germany for her industry, culture and character, and may be ready to utilize her as the bulwark of Eur-America against Bolshevik Russia. But the only place that England can afford to give Germany in the British world-order is that of a first-class subordinate or head-clerk to the British boss in a business office. England's attitude to Japan is more or less similar. Indeed, in the "world-orders" conceived by British mentality, every power (not excluding the American) must be prepared to play the second fiddle to the British Empire as the French Empire has been doing since the fall of Napoleon.

### Imperialism vs. Anti-Imperialism in America.

As an empire-holder the United States happen to be a raw youngster. But her imperialism, especially of the finance-capitalistic type, has been advancing by leaps and bounds since the conquest of the Philippines from Spain in 1898. During the twentieth century her chief plank in world-planning has consisted in the organization of an anti-Japanese front. The establishment of pro-American groups among the intellectuals and businessmen of China has been America's greatest *modus operandi* in her campaign against Japan. Her second great plank in world-order has been the Monroe Doctrine in regard to the New Hemisphere. The Pan-American Conference at Habana (Cuba) in 1940 may be regarded as a convenient

landmark in the establishment of the U S hegemony in the two Americas. Her principal concern is to exclude not only European but Japanese influence from Latin America. To what extent this exclusion is feasible, especially in view of her own financial and other commitments in Africa, Asia and Europe, is another question. But this must be recognized as a fundamental item in the world-order ideology of the U S A.

During 1942-43 American soldiers,—among whom Negroes constitute a substantial proportion,—have been operating in Africa, India and other parts of Asia. These are lands inhabited by non-white races. American colour-prejudice of the albinocratic type is being nurtured by residence in African and Asian *milieux*. Imperialism and colonialism are being newly fostered as well as intensified. The impacts of such chauvinism or domineering spirit on American world-order ideologies are likely to be prejudicial to freedom and democracy.

But it should be observed that the highest flights of idealism<sup>6</sup> among American exponents of world-order fail to imagine the emancipation of a single Asian or African people from a European or American empire. In the political field American world-order is virtually an echo of British world-order. It is interested, as one can easily see from Streit's *Union Now* (New York 1939), and Condliffe's *Agenda for a Post-War World* (New York 1942), in the perpetuation of the imperialistic *status quo* throughout the world. The jealousies between Americans and Britons operating in Africa and Asia as well as the avoidance of social contacts between them are certain realities of the inter-racial pattern. But America's anti-African and anti-Asian animus are not modified thereby. It is quite in tune with British imperialism.

In the international economy of the post-war quinquennium (say, 1946—50) America's position *vis-à-vis* Britain's will be similar to that during 1919—23. The-

<sup>6</sup> Commission to Study the Organization of Peace *Preliminary Report and Monographs* (International Conciliation, New York, 1941). American imperialism may be studied in P. T. Moon *Imperialism and World-Politics* (New York, 1936), H. Barnes *History of Western Civilization* (New York, 1935), Vol. II, T. N. Das *Foreign Policy in the Far East* (New York, 1936). Some touches of American "liberalism" may be found in *The Atlantic Charter and Africa from an American standpoint* (Committee on Africa, the War, and Peace Aims, New York, 1942).

then problem of inter-ally debts is likely to repeat itself to some extent. In order to avoid the question of monetary transfers America has taken recourse to barter of the lease-lend type. But the pattern is not yet clear, for instance, in regard to India's financial responsibilities and risks arising from the acceptance of American goods on this basis. There is a shrewd suspicion that in return post-war India may be compelled to supply raw produce to the U.S. and remain predominantly agricultural for a rather long time. India's industrialization may thereby be considerably retarded. Finally, the chances of a financial tug-of-war between England and America are quite palpable. Conflicts may arise not only in Latin America and Africa but in Asia and Europe as well.

Something like a world-order ideology is held in solution in the slogan, "Asia for Asians"<sup>7</sup>. This is the Asian Monroe Doctrine *vis-a-vis* Eur-America. The American Monroe Doctrine for the two Americas is backed by an army, navy and air-force. But the Asian Monroe Doctrine is not. It has, therefore, failed to arrest the attention of non-Asian exponents of world-order. Japanese co-prosperity sphere in East Asia may not be tantamount to a genuine Asia for Asians. It may turn out to be a Japanification of East Asia like the Americanization, Frenchification, Anglicization, etc., of the diverse parts of the world. The world-economic ideas, if any, of an Asia for Asians plan cannot, therefore, belong to the realm of realistic economics for the time being.

It should be pointed out that heterodox and untraditional views on world-planning are not altogether unknown in American ideology. The anti-imperialistic works of Moon, Barnes and others are well-known. Even during World-war II American "liberalism" is in evidence, for instance, in the editorials of the *Saturday Evening Post* (New York) on March 12, 1942, this journal observes as follows:

"Edgar Snow asks whether the United Nations can hope to defeat Japan unless we have the native peoples of Asia whole-heartedly on our side. The price of their help, he says, is their liberty. That would mean the end

<sup>7</sup> B. K. Sarkar, *Political Philosophy Since 1905*, Vol. II, Part II (Lahore 1942) ch. III, p. 456—485.

of the white man's imperialism in Asia, but that is ended anyway, he believes."

"The American people have had a hard lesson in geography in the past three months," says Snow further. "They have learned, and in a way they will remember, where their rubber, tin, silk, tea and spices came from. They have learned abruptly that the Asiatic is not an inferior fighting man, because we have seen what the Japanese can do against us, what the Filipino and Chinese can do for us."

The editorial goes on

"There is another lesson yet unlearned, one which Mr Snow is teaching out of a first-hand knowledge of Asia as intimate as that of any living American. The lesson is that the curtain fell on December seventh 1941 upon a two-century era in Asia, dropped finally, regardless of the outcome of this war. From 1700 or thereabouts to 1941 the white man, the *pukka sahib*, dominated much of Asia, dealing with the natives as inferior and subject people. This whiteman's Asia has had a great fall, and all our men and all our planes cannot put Humpty-Dumpty together again, even if we wished.

"This is a fact the American people must face in the midst of war, so that they may understand what we are fighting for in the Pacific. We are fighting first of all to defeat the Japanese, of course, because Japan has stepped into the white man's shoes with a vengeance and is creating a huge Asiatic empire which directly threatens all America, Australia and New Zealand. Whipping Japan, then, is our immediate objective in the Pacific.

"But what of our long-range objective? When Japan is smashed, fenced back inside her little island world, what then? Do we intend to ask our Chinese allies to return to the white man the colonies and concessions which the Japanese have taken over temporarily? And what would be the Chinese answer? Are we committed to restore the white man's Asia in China, Indo-China, Malaya, the Netherlands East Indies, Burma, India?

"The sooner we face these questions, the better because our answers may have an important effect upon the outcome of war, certainly upon its duration. If the Asiatic peoples, the Philippines included, get the notion that this is a war to determine whether the white man or the Japanese shall rule them, they might decide that it is

immaterial to them whosoever wins, a choice of frying pan or fire. These Orientals will die on our side only if they are convinced that our victory will be their victory.

"Granted that as between the increasingly enlightened rule of the British, the Dutch, the French and ourselves and the semi-savage brutality of Japan, the Orient would learn quickly enough that the frying pan was not so hot as the fire. Still, the lesson would come too late, nor can the Orient see why it should be compelled to choose between the devil and the deep blue sea. What is more, the basis of Japanese propaganda is that the Jap is a fellow Asiatic, an elder brother restoring all Asia to the place in the sun, the white man an alien conqueror."

According to the *Saturday Evening Post* Pearl Buck, "another American who knows the East's head and heart," told a New York audience in February, as Singapore was falling "The peoples of Asia want most of all in this war their freedom, Japan aims to show them that if the United States wins, they will not have it. We cannot win this war without convincing our allies that we are fighting for freedom everywhere."

The American journal's liberalism finds further experience in the following lines. It says

"It is true, as we believe, that the white man's Asia is gone for ever, outmoded in time. Then the quicker Great Britain and the Netherlands realise and act upon this fact, the better for them and for us. It is easy to give away other people's empires, but what is the alternative?"

"Chiang Kai-Shek's visit to India to enlist her in a genuine united front against Japan, and the generalissimo's warm reception by the Indians, including the powerful All-India Congress Party leaders, is the most hopeful sign yet. Together the peoples of China and India number more than eight hundred millions. Given arms and a cause to fight for, they would drive the Lihputian Jap into the Pacific.

"The Imperialist will say that these peoples are not yet ready for self-government, that an Asia left to self-determination would return to anarchy, and he can make a plausible case too. But it is Asia that he must convince of this, not Europe and America. In any case, the Four-Freedoms excommunicated him."



The editorial observations of the *Saturday Evening Post* about the incomplete realization of human ideals in contemporary Eur-American mentality are not likely to be of much practical value in *Realpolitik*. But the student of post-war planning may not pass them by. Carrol in *We're in this with Russia* (Boston, 1942, pp 249—341) makes the following observation about Asia as it is likely to be at the end of the war: "The white man has betrayed his own future in Asia. Everywhere he has lost face. His position will never be the same in India, Burma, China, Malaya. In these lands and in the other vast expanses of the continent, more than half the human races—peoples of ancient cultures—will strive to win some of the freedoms which Americans took for themselves in the eighteenth century."

### **Unitas and Bancor as Currency and Trade Measures.**

The post-war world-economic complications as between England and America are being envisaged by them in no indistinct manner. New international currencies are being talked of. Americans suggest *unitas* (Latinized) as the monetary unit. *Bancor* (Bank-gold, Frenchified) is suggested by Keynes. Formally currency ideologies, as the two suggestions embody, are in reality attempts at solving the problems of exports and imports between the nations of the world. The chief pre-occupation of both England and the U S A is to devise measures for counteracting the monopolistic or unilateral trade-cum-currency arrangements that have been established by Germany in her Pan-Europa and by Japan in her "East-Asian co-prosperity sphere". It is the fundamental aim of the *unitas* and the *bancor* economies to demolish these "economic regionalisms,"—the German monopoly in Europe and the Japanese in East Asia. The second aim is to enable the diverse peoples of the European continent and East Asia to enter into direct trade relations with one another and with England, America and their allies without the mediation of Berlin and Tokyo. This emancipation from both is to be effected in tariff as well as currency.

According to *Reuter* (April 5, 1943) the establishment of a united and associated nations stabilization fund of at least \$5,000,000,000 is proposed in a scheme for post-war currency system submitted to the Allies Governments

by the U S Treasury The resources of the fund are to consist of the gold, currencies and securities of the participating Governments

These Governments' contributions will be fixed on the basis of the gold holdings, trade balances and the national incomes of the respective countries The scheme proposes the establishment of a new international monetary unit called "*unitas*" equal to \$10 which will be freely convertible into gold The consolidated fund would be used for trade purposes and would assist in supplying foreign exchange for meeting trade commitments of the countries participating

The Kenyes (British) plan for post-war *bancor* currency sets out proposals for an International Clearing Union "as a preliminary contribution of the solution of one of the problems of international economic co-operation after the war "

The proposals as summarized by *Reuter* (April 7, 1943) provide a generally acceptable means of payment between nations to ensure that any alterations in the exchange values of national currencies are made as the result of an orderly international procedure and not by unilateral action They are calculated likewise to relieve from excessive strain any nation suffering from temporary difficulty in meeting its obligations to make payments abroad while at the same time subjecting it to additional pressure towards restoring balance These aims are subsidiary to the one main purpose—the promotion of steady expansion in the flow of international trade and consequent improvement in the standard of life of the participating countries

The proposed Union will provide the means of settlement between central banks *Bancor* is international currency only in the sense that it is a unit of measurement for exchange values and a unit of accounting in books of the Union A private banker or trader will continue to do foreign business in terms of pounds or dollars or francs but the fact that his Government can borrow *bancor* from the Union will enable it to provide him with foreign exchange at a stable price when otherwise it would have been unable to do so Thus all exchange fluctuations due to speculation will be eliminated

The plan recognises certain facts—the high present value still enjoyed by gold and its convenience for certain

purposes. But it does not put the fate of international money at the mercy of vicissitudes of the world's gold supply nor give any countenance to the idea that the value of the money is derived from possession of "gold backing."

Evidently, the technical foundations of both *unitas* and *bancor* systems are simple. In the first place, they are essentially based on the gold bullion (or gold exchange) standard ideology. Each is interested in the employment of gold (or rather foreign exchange) if necessary, exclusively for external use. The Ricardian economizing of gold is the dominant consideration. In the second place, the manipulation of exchange rates by the state through the Exchange Equalization (or Stabilization) Fund is the most prominent technique in each system. Equally prominent is a third item. It is the recognition of the services rendered to currency and commerce by the International Bank of Settlements functioning at Basel. It is clear that the currency discoveries of the period since c 1925 constitute the main theoretical basis of the new post-war monetary reconstruction for the purposes of international trade.

The political motives behind these international currency and trade proposals are none-the-less clear in the provisions detailed above. At any rate, they have been precisely formulated by Sumner Welles, U S Under-Secretary of State, at Toledo (Ohio) on May 8, 1943. *Reuter* reports that speaking on Germany's pre-war economic policy Welles said that it "represented, in the ultimate, unbridled, ruthless and merciless aggression. The German commercial policy was designed to pave the way for conquest. It sought to re-orient the economic structure of central and south-eastern Europe with the purpose of making Germany the industrial centre of the area supplied with raw materials and foodstuffs by European 'colonies'." The question before this country and Congress of the United States at this moment is whether we shall orient our policy in the direction of a measure of economic aggression such as we adopted in the Tariff Acts of 1922 and 1930 or whether we shall continue to adhere to the policy of economic co-operation laid down in the Trade Agreements Act of 1934. This decision will be made when Congress acts on the legislation for the usual three-year extension of the Trade Agreement Authority." According to Welles it was important to distinguish be-

tween economic aggression actuated by "ignorant selfishness" and economic aggression actuated by "the evil ambition of international domination. We, and Britain and nearly every other country, have been guilty of an economic aggression of a selfish and unenlightened kind. But the efforts of such policies have been realized and their trend has been reversed in the direction of economic co-operation. The whole history of the British Empire's 'preferences' is a history of economic aggression in the sense in which I am now using the term."

We understand that American world-order schemes relating to commerce and currency are fundamentally directed against Germany's *de facto* economic hegemony in Europe. No less profound urge is to be seen in America's antipathy to British imperial preference in international trade economy.

### The Regime of Seven Internationalisms.

Speaking at Washington D C on May 11, 1943, Premier Churchill drew attention to the "danger of an undue prolongation of the war." "No one can tell," said he, "what new complications and perils might arise before five more years of war, and it is in a dragging out of the war at an enormous expense till the democracies are tired or bored or split that the main hope of Germany and Japan must now reside." Evidently the chances of a stalemate or draw as between Anglo-America and German-Japanese combination are still there. Besides, the possibilities of split between the Russian, British, Chinese and American allies are not yet ruled out.

It is not, therefore, safe to attempt making prophecy about the fortunes of the present war and the geopolitical surgeries about the frontiers of states, old and new. It is not unreasonable to take note of pious wishes as they develop from time to time. But for the time being, it is convenient to overlook all these wishful thinkings. At the end of the war the regionalized and pluralistic world-economies may be envisaged as embodied in and revolving around, say, the following seven economies:

- 1 The British Empire-Economy
- 2 The French Empire-Economy.
- 3 The American Economy.
4. The Russian Economy.

- 5 The Japanese Economy
- 6 The German Economy
- 7 The Italian Economy

They are to be regarded as "organized internationalisms" or territorially partial world-economies because of two considerations. First, each planetary system will have its own currency. The economic regions normally belonging to this system are bound to one another by a more or less uniform or uniformly manipulated monetary organization. In the second place, the customs tariff binds each of these systems into a more or less unified whole. Each planetary system may be described as a tariff-union or customs-union.

The economic transactions of the two hemispheres are to be conceived as divided up between these seven zones. These zones of "economic regionalism" may be described, without camouflage, by the notoriously unpopular words, "sphere of influence" or "sphere of interest." It is not to be understood that these seven international systems are hermetically sealed against one another. Transportation, trade, travel and traffic of all forms are to be regarded as normal and daily affairs between these regionalized world-economies. By no means should they be suspected as representing in any way the "closed commercial states" of economic and political theory.

It is quite possible that from time to time some or all of these seven international systems would exchange views with one another. Once in a while it may be felt expedient for some of them to get acculturated to one another in certain currency, banking, transportation or other policies. By way of illustration, the Sterling Bloc may be referred to. But, generally speaking, they are to be taken as constituting a world of mutually suspicious and un-assimilative as well as independent and exclusive internationalisms or federations.

International cartels<sup>s</sup> for production and for marketing have been seeking to regionalize output as well as

<sup>s</sup> B. K. Sarkar "Trusts and Rationalization Aspects of the New Industrial Revolution", "International Cartels" and "Cartels in Japan" in the *Journal of the Bengal National Chamber of Commerce* (Calcutta), for September, 1927, December, 1930 and December, 1931, cf. Hirsch *Die Bedeutung der Rationalisierung für deutsches Wirtschaftsleben* (Berlin, 1928, Industrie und Handelskammer). See also Waffenschmidt *Technik und*

trade Institutions like the International Sugar Council, the International Association of Rubber Producers, the International Steel Cartel, Coppers Exporters, the Mercury Cartel, the International Association of Manufacturers of Rollingstock and numerous other cartellized associations are more or less world-wide in jurisdiction. Their utility has not been gainsaid and indeed has been officially recognized by the grant of Government sanctions, even during the epoch of autarchistic *swadeshrism* throughout the world.

Cartellizations of the international type are no new phenomena. They have been going on for decades. It is only during the last half-generation, especially since the world depression of 1929—32, that they have become popular and household words. Such international interlockings will, off and on, be found quite assimilable to the seven planetary systems conceived in this study.

An international currency such as is likely to be legal tender throughout the world,—*e g*, the *unitas* or the *bancor*—is out of the question. Equally unthinkable is the system of universal free trade which can render tariff walls unnecessary. Polycentric world-economy,—multiple-currencied and hetero-tariffed economic internationalism,—appears to be the type of pluralistic organization that awaits us in the near future and is likely to prevail among mankind for some long time to come.

The economists of the League of Nations were right when in one of their annual publications they declared that "the prospect of world specialization upon the basis of nationally planned economies is still remote"<sup>9</sup>. This was written in 1935. We should consider this position to be valid for quite a number of years from today.

It is only when patients suffer extreme agony that they make all kinds of wonderful resolve, especially in the presence of the attending doctor or priest, about behaving in a correct manner once they get well. Patients do not

*Wirtschaft* (Jena 1929), sections on "Rationalisierung," and von Beckerath *Der Moderne Industrialismus* (Jena 1930), sections on "Kartelle" and "Konzerne."

<sup>9</sup> *World Economic Survey* 1934-35 (Geneva, 1935), p. 188. See also C. W. Gullebaud "Hitler's 'New Economic Order for Europe'" and P. Einzig "Hitler's 'New Order' in Theory and Practice" in the *Economic Journal* (London), December 1940 and April 1941.

always die. Nor do they always recall their resolve or vow when they start once more to live and flourish. Individuals organized in groups known as nations or states do not happen to possess a new psychology on account of the organization. The fact of coming together in inter-individual patterns does not induce automatically a new mentality. Social man makes pious resolves in the *milieu* of wars as to the spurning of a particular attitude or the banning of some special policy in post-war situations. Wars do not last long, post-war conditions emerge at the proper moment, but men and women forget their war-time pious wishes, and the world muddles on merrily all the same.

It is in this individual and social psychology that we find the justification of Robbins's conclusion in the paper, *Economic Factors and International Disunity*,<sup>10</sup> published by the Institute of International Affairs (London). "The root cause of the difficulty," says he, "is not economic, it is political." Further, "while reason and persuasion are important, I do not think that we can trust to reason and persuasion alone to preserve the world from anti-social national policies."

Wars, then, are to be treated as normal and recurrent phenomena in world-economy. Autarchy, *i e*, *swadeshi-ism* in agriculture, manufacture, banking, insurance and transportation has likewise to be regarded as a constant factor in the international *milieu*. And yet world-orders or new orders, *i e*, internationalism of some sort or other may be promoted in the commercial relations of mankind. The economic world has to proceed pragmatically and watch the steps (*i e*, the results obtained) and formulate the objectives or goals (*i e*, the results expected) from one "short period" to another "short period." Millennial ideals or projects and policies cannot be entertained as economic realisms or rationalities.

### **The Political Milieu of Arthik Unnati (Economic Progress)**

It is not in a political vacuum that the equations of world-economy make their appearance. The economic go-aheads, backwards or laggards, and peers have each a

<sup>10</sup> *World Order Papers* (London, August, 1940), pp. 44-45.

political pattern. But it is not possible to ascribe every go-aheadness, backwardness, and parity or equality to internal or external politics. The world-economic equations are not the functions or correlates of world-politics.<sup>11</sup>

A political *milieu* or ecology is to be envisaged in every economic situation at home or abroad. But all *arthak unnati* (economic progress) cannot be explained as due to political forces. In any case, an *advaita* (monistic) explanation of economic progress as determined exclusively by political independence, democracy or the like is unwarrantable. The political factor has to be analyzed on its own merits in every economic situation and its rôle ascertained according to the circumstances.

The nearly two milliard men and women of the world can be politically grouped into three main classes as follows: (1) free, (2) free and colony-ruling or empire-holding, and (3) unfree, subject or enslaved colonies and dependencies.

Among these two thousand millions very few, indeed, are techno-industrial or capitalistic-*cum*-socialistic adults, go-aheads or great powers. England, Germany and the U.S.A. account for some 230 millions only. But hundreds of millions of men and women in free states are economic laggards. Even among political great powers the position of France and Italy is techno-economically that of backwards or laggards,—by the Anglo-German-American standard. As for Spain, Portugal, the Balkan Complex, the Baltic Complex, etc., in Europe, Turkey, Iran and China in Asia, and the great majority of states in Latin America hundreds of millions are economically more or less on the same level as unfree regions like India.<sup>12</sup>

Another item deserves consideration. The importance of political idealism, pious wishes, ambitions, etc., in the industrial-technocratic field is not to be overlooked or under-estimated. The capital-socialistic greatness of Germany as developed since c. 1870—85 is in a great

<sup>11</sup> The bearings of internal politics (democracy etc.) on industrialism are discussed by H. von Beckerath in *Der moderne Industrialismus* (Jena 1930), pp. 433-436.

<sup>12</sup> The treatment here is different from that in the section on "Vergleich der industriewirtschaftlichen Lage und Aussichten verschiedener Länder" in V. Beckerath *Der moderne Industrialismus* (Jena 1930) pp. 444-450.



measure a function of political ambitions<sup>13</sup> So also is the rise of Japan as an industrial-commercial great power since c 1885—1905 The tremendous upheaval of Soviet Russia in technocracy and industrialism since c 1928 is another instance of political ideals or ambitions considerably shaping or re-shaping the economic destiny of a people The equations of world-economy have been shifted to new points by the political energisms of Germany, Japan and Russia The theory of economic progress will have to take due note of this political fact

### **The Role of Imperialism in the Equations of World-Economy.**

A few more fundamentals may be indicated here in elucidation of the position maintained by the present author in comparative industrialism and the equations of world-economy

In the first place, extensive regions constituting the major portion of the two hemispheres, be it admitted without sentimentality, are in technocratically undeveloped, semi-developed and under-developed conditions The Balkan and Baltic Complexes, Eastern Europe (comprising Russia), Spain-Portugal, virtually the whole of Africa, large sections of Latin America, China and India, parts of Japan and the rest of Asia belong to this category The primitive and agricultural character of these areas is a fundamental fact of world-economy, and it is not going to disappear during the next decades in spite of industrialization, mechanization and other modernization consummated everywhere in doses as a result of World-War II It is impossible to prevent them from being utilized or exploited by the industrial-technocratic-financial zones as their "economic colonies" Even in the epoch of the formal abolition of extra-territoriality the hard realities of international finance must not be overlooked *De facto* extra-territoriality cannot be abolished by a mere stroke of the pen This utilization or exploita-

<sup>13</sup> *Soziale, Kultur und Volkswohlfaht während der ersten 25 Regierungsjahre Kaiser Wilhelm II* (Berlin 1913) One of the chapters in this Wilham II Jubilee Celebration Volume is by Karl Helfferich-Somrbar *Die Volkswirtschaft im neunzehnten Jahrhundert* (Berlin 1908), Wygodzinski *Wandlungen der deutschen Volkswirtschaft im neunzehnten Jahrhundert* (Cologne 1907).

tion by finance-capitalistic agencies, be it added *enpassant*, is the chief, if not virtually the only, means of the raising of the standard of living of the primitive areas and their general elevation in the economic sphere. This is often a regrettable fact but must be faced by the scientific student of economics as well as the economic statesman. No theory of *arthik unnati* (economic progress) can afford to be blind to the reality envisaged here.

Secondly, the tendency of every finance-capitalistic zone to build up its own internationalism or partial world-economy more or less on the lines of an economic Monroe Doctrine, through currency and tariff systems,—by utilizing one or other of the primitive areas is to be visualized as an inevitable factor in the post-war world-economy, say from 1946 to 1965. Even Americans<sup>14</sup> are no less fond of their "possessions" than the British people of their British "Commonwealth", the French "metropolitans" of their *France coloniale*, the Germans of their *europäische Neuordnung* (if not of "*unsere Kolonien*") and the Japanese of their "co-prosperity sphere". Most of the liberal-seeming terms used by them are camouflages, but they all effectively describe the obstinate realities of the economico-political pattern.

The age of empires,—economic as well as political,—and of *de facto* if not *de jure* extraterritoriality is not yet gone. Nay, it is being intensified with vengeance as a result of World-War II and is preparing the ground for World-War III. It would be unthinking and unscientific idealism to be blind to the *Realpolitik* of imperialization and colonialism as a creative factor in the equations of world-economy. Every theory of *arthik unnati* (economic progress) will have to orientate itself to this brutally clear situation.

Brute force organized in the army, navy and air-arm has commanded the world-economy yesterday and is commanding it today. Brute force will command the world-economy tomorrow and day after tomorrow. World-War II can be won only by the party that possesses the greater staying power and is master of the stronger army, navy and air-arm. It is to be postulated therefore, that a

<sup>14</sup> See the section on "Products of Our New Possessions" in W. W. Jennings *History of Economic Progress in the United States* (London, 1925), pp. 589-592.

vindictive World-War III cannot but be engineered by the party that loses in World-War II. This *milieu* of the spirit and preparations for revenge as against the attempts of the victors to maintain the *status-quo* is the most palpable item in the quinquennium of reconstruction and after. It is this world-economic structure that economic dynamics will have to transform in order to set in motion the new equations or parties between economic regions.

Economics, pure and undefiled, does not exist. It is eternally a handmaid to international politics. The equations of world-economy are perpetually dominated and modified by world-politics. The "political interpretation" of economics is one of the profoundest realities in inter-human affairs. This interpretation sets some of the limits to the "economic interpretation" of politics.

### **An American Interpretation of British Empire-Policy.**

The political philosophy of colonialism has obtained a straightforward re-statement in the views of the British Foreign Minister, Anthony Eden, as expressed in the U S A. The *Bulletin of the Foreign Policy Association* (New York) interprets them as follows (April 1943).

"The British recognize that twentieth century conditions call for a new type of association between the advanced and the less advanced peoples and that they as the greatest colonial power have a special responsibility for working out that relationship. They see the task is not in term of surrender of any colonial territory held in 1939 or in the establishment of an international colonial administration but in improved British administration concentrating on economic as well as political progress and possibly in conjunction with international co-operation evolving a charter for all dependent areas and some form of general joint supervision. Britain contemplates the future of colonies and also of India within the Commonwealth rather than in complete severance of connection with the British Crown."

Here we have an American interpretation of British world-order. And this statement is quite in keeping with American philosophy in regard to American empire-policy *vis-à-vis* the Philippines. The categories, "advanced peoples" and "less advanced peoples," belong to the ideologies of race-chauvinism in which Americans lag behind none. Colonialism or imperialism whether Anglo-

American, French, Dutch, or otherwise, is essentially raciological or ethnocentric in character. Ethnocentrism of the nineteenth century is being maintained intact in the present century in the slogans associated with neo-imperialists of the world. The Nordacist superiority-complex of Spengler's *Der Mensch und die Technik* (March 1931) is one of the numerous specimens. An allied or identical category is the slogan of "trusteeship" popularized in works like *The Ideas and Ideals of the British Empire* by Ernest Barker (Cambridge 1941).

Evidently this sort of trustee-imperialism is not likely to be distasteful in the present moods of American statesmanship. American imperialism has been intensified and consolidated in the proceedings of the Pan-American Conference at Habana, Cuba (July, 1940). And since the landing of American troops in North Africa (November, 1942) American colour-prejudice and ethnocentric chauvinism have been getting a powerful fillip. It is at the right moment that the British doctrine of "advanced peoples" has therefore been enunciated in the American *milieu*. American political philosophy is ever ready to assimilate and promote anti-Asian and anti-African colonial policies of one sort or other. The foundations of democratic Americanism are laid wide and deep in the anti-Negro lynchings or pogroms and anti-Chinese Exclusion Acts.

### Balancing in Colonialism through Europäische Neuordnung.

Anglo-American world-domination, as mirrored forth in these new words and phrases about colonies, dependencies, Empire policies, the so-called Atlantic Charter and so forth, is eminently well calculated to evoke corresponding ideologies, not only among the subject races but—and this dangerously enough,—among the other powers that be. The Japanese co-prosperity sphere in China, South-east Asia and South-west Pacific is seeking to establish a new counterpoise to the Anglo-American world-hegemony. Let us leave this new Japanese balancing out of the picture for the time being. An old counterpoise is to be found in the balancing furnished by the Germany of *Mitteleuropa*. Germany is not less ethnocentric and raciological than England and America. She is quite conversant with the ideology of "advanced peoples" possessing a "special

responsibility" for working out a relationship with "less advanced peoples". Only, in her sentiments, judgments and philosophies the "less advanced peoples" are the Europeans like Czechs, Slovaks, Poles, Belgians, Dutch, Serbs, Greeks, nay, Russians and all the other riff-raffs from one end of Europe to the other. In Spengler's *Der Mensch und die Technik* (March 1931) the Russians belong to the non-white and backward race groups. In case and as long as England and U S A dominate Asia, Africa and America, Germany will consider herself to be the "natural master," in the Aristotelian sense, of the entire European continent. To use the up-to-date categories of current international philosophy, she is used to placing herself in the position of the 'trustee' for watching and promoting the "economic as well as political progress" of the "less advanced peoples"<sup>15</sup> of Europe. Germany's *Europäische Neuordnung* (European New Order) is a simple reaction to the Anglo-American "world-order". It is much more comprehensive than the *Drang nach Osten* (Push towards the East) of Hohenzollern Germany. Both these Anglo-American and Germanic orders are nothing but forms of imperialism and slavification, pure and undefiled.

The *Europäische Neuordnung* implies that the Poles, Czechs, Serbs, Greeks and other "less advanced" Europeans are to remain economically and politically slaves, colonies, subject races, semi-slaves, or demi-dependent nations to Germany as long as Asians, Africans or others remain subject or semi-subject to Anglo-American world-imperialism. The colonialism prevailing in Asia, Africa or America has its natural and necessary balance or counterpart in a hundred per cent colonialism or semi-colonialism obtaining in Europe. World-War II, like World-War I, has this "balancing in colonialism" as one of its chief urges. A World-War III is likely again to emerge during the next two or three decades on account of the same urge. The Foreign Policy Association's interpretation of British empire-policy bids fair to be a fine explanation of a most profound permanent cause of the eventual enslavement of Europe by Germany. It will act as a perpetual spur to Germany to equip herself in

<sup>15</sup> Reithinger. *Das wirtschaftliche Gesicht Europas* (Stuttgart, 1936), E. Wagemann. *Der neue Balkan* (Hamburg 1939)

post-war years with the project of dominating the "less advanced" Europeans and developing their "economic as well as political progress."

### **Russia vis-a-vis Colonies and Dependencies.**

Another balancing in colonialism is to be found in the anti-colonialism or doses of antidote to foreign domination with which Soviet Russia is formally associated. Anglo-American world-imperialism cannot appear to be a factor of world-peace to Soviet Russia, the ally, for the time being, of England and America. The Leninists of Bolshevik Russia are, so far as ideals are concerned, the furthest removed from this policy. It can serve but to excite the worst suspicions of the Stalin regime *vis-a-vis* the alleged democratic ideals of Soviet Russia's allies. Communism, wherever and in so far as it happens to be genuine, cannot afford to be a permanent ally of colony-ruling and slave-driving empire-holders.

The programme of the Communist Party at the eighth Congress in March 1919 recognises, be it recalled, categorically the "right of colonies and non-sovereign nations to secession." Anglo-American colonialism is at poles asunder from this position,<sup>16</sup> although this latter finds expression only in words.

The nationalism of every subject race, dependency or colony in the two hemispheres is likely once more to be accepted by Soviet Russia,—theoretically at any rate,—as her most natural and inevitable ally. Communism as a system of thought can but tend to manifest itself as the virtually sole promoter of national independence and human freedom. Soviet Russia cannot be prevented from looming large as ideologically the saviour of helpless millions in Asia and Africa. The reactions of the statesmen of Soviet Russia to the political philosophy of the Foreign Policy Association of New York are bound to be Leninist with vengeance. Leninism may then be depended upon as acquiring a fresh lease of life during World-War II and after. But to what extent the sympathies of the people in a communist state or other states can help forward the political freedom of unfree peoples is an open question.

<sup>16</sup> Stalin *Marxism and the National and Colonial Question*; (New York), p. 288.

On May 22, 1943, the Executive Committee of the Communist International recommended the disbandment of the Communist International. The Communists of every country were given freedom to settle their policies *vis-à-vis* ordinary socialists and the national Parliaments without interference or directions from the C I headquarters at Moscow. This indicates the development of communism along national lines but does not in any way affect its ideologies *vis-à-vis* the colonies and dependencies. In any case since September 1939,—on account of war-condition, and especially because of Soviet Russia's double dealings with Germany and England,—the Communist International as a centralizing dictatorial authority has been virtually a thing of the past.

### War as an Agent in World-Economic Equations.

Neither de-imperialization nor de-albinization is envisaged by the Foreign Policy Association's interpretation of the new world-system. If anything, it assures to mankind the permanent possibilities of world-wars and preparations for world-wars. Neo-colonialism is not in for world-peace. Anglo-American alliance is being utilized by Soviet Russia as a tactical proposition for her war against Germany. But Soviet Russia, even as the ally of Anglo-American world-imperialism, cannot be ideologically hoodwinked into believing that the world's last war is being fought in World-War II. The shibboleth of world-peace is being rung out of existence by such political philosophies as those of Eden. And this is well calculated to foster honesty, realism and sincerity in international politics. The equations of world-economy are realistically well acculturated to this type of world-politics, whether blunt or camouflaged. Such realistic considerations about the permanent possibilities of war must underlie every theory of *arthik unnati* (economic progress).

The prospects of an Anglo-American world-domination are taken into consideration by the American historian Shotwell. Speaking at New York on December 13, 1941 he observed, among other things as follows<sup>17</sup> "The U S A and Great Britain, after they have won the

<sup>17</sup> "After the War" (*International Conciliation*, New York, January, 1942, p. 34-35).

war, will have the chief responsibility for the shaping of the terms of peace, out of which a renewed and stronger League of Nations can emerge. The exercise of power by an Anglo-American directorate will be attended by many difficulties."

The "many difficulties" envisaged by Shotwell are such "pitfalls" as have led to World-War II. He is anxious about the safeguarding of Latin American, German, Italian and Japanese interests. In his "pious wish," there "must be no imperialism under the Anglo-Saxon system any more than under the German."

This "pious wish" should be respected. But in the meantime students of realistic economics cannot but proceed on the hypothesis that world-economic equations and economic progress will have normally before them the prospects of World-War III and other wars. Just at present the diverse geopolitical schemes of post-war reconstruction planning can each lead to a new war. The thesis of Anglo-American world-domination postulates the *status-quo* of *la France coloniale* and the Dutch Empire. The German thesis of Pan-Europa is to be a powerful challenge to this complex of *status quos* in colony rule and dependency-trusteeship. What the status of Italy's African Empire is to be in the Anglo-American thesis or the German is not yet clear. The third thesis is that of the co-prosperity sphere claimed or rather already possessed by Japan. The boundaries of this sphere are said to comprise all the oceans and all the continents according to the world-planning formulated by Komaki, as says Menfee in the journal, *Asia and the Americas* (New-York, May, 1943).

The fourth geopolitical thesis is that of Soviet Russia. This affects the boundaries of Finland, the Baltic States, Poland, Czechoslovakia and Rumania. The dangers to Turkey, Iran and British interests in Middle Asia as well as India are quite apparent. China and therefore East Asia are not secure. Whether Soviet Russia is likely to maintain for herself the anti-colonial, anti-dependency and anti-imperial idealism of Lenin as declared and practised in 1918-19 is more than one can say.

China's position in these geopolitical schemes is anything but definite. It may be presumed, however, that China herself in post-war years is not likely to be as docile to Anglo-America and as hostile to Japan as certain



world-planners wish. The two Chinas (Nanking and Chungking) will perhaps unite and collaborate with Japan on terms of mutual understanding. Interested parties may not envisage this Japanese-Chinese collaboration in a friendly spirit. In 1942 Extra-territoriality has been abolished, be it noted, by England and America after Japan had abolished it and removed Anglo-American influence from large parts of China. Besides, the anti-Chinese Exclusion Acts of America continue still to be valid in her immigration policy.

It is obvious that wars are the permanent features of the next world-pictures. The destinies of colonies and dependencies, semi-colonies, and semi-dependencies in Eur-Asia as well as Africa and America will be decided tomorrow and day after tomorrow, as they are being decided today, as the result of wars between rival empires. The last word about unfree peoples is not being said in the present war. The elevation of some of them to semi-sovereignty and full sovereignty may turn out to be the by-products of World-War III and subsequent wars.<sup>18</sup>

The equations of world-economy have never known the ecology of world-peace. It is in the *milieu* of international rivalries, enmities, and military activities that anthropology, archæology, pre-history and history (ancient, medieval and modern) invariably exhibit inventions and discoveries, technical transformations and economic progress. Warfares are the almost inseparable attendants, nay, some of the urges and causes or determining factors of the re-making of agriculture, manufacture and commerce.

The "first" industrial revolution<sup>19</sup> which consummated itself in England, say, from c. 1785 to c. 1830 did not know world-peace. These transformations of the techno-industrial complex,—the beginnings of the modern capitalistic-socialistic economy,—witnessed the world-wars associated with the French revolution and Napoleon.

<sup>18</sup> On sovereignty, statehood or national independence as the product of *vishwa-shakti* (world-forces) or international conjuncture see B. K. Sarkar. *The Science of History and the Hope of Mankind* (London 1912).

<sup>19</sup> For the relations between the "first" and the "second" industrial revolutions see B. K. Sarkar. *Economic Development* Vol. II (Calcutta 1932, 1938).

The progress of modern economy in the nineteenth century has perpetually been *en rapport* with the nationalistic and imperialistic wars in the two hemispheres. The luxury of world-peace has been denied to science and technology,—to chemistry, engineering, surgery and medicine,—in virtually every stage of their modern and contemporary evolution.

The technocratic and industrial re-makings of the world during the twentieth century owe a great deal to wars. World-War I (1914—18) virtually gave the finishing touch to the “second industrial revolution” in England and Germany. The discoveries and inventions made during that war revolutionized the arts of production and transportation in a tremendous manner. “Rationalization” in industry, commerce and agriculture summed up in one word the results of those technocratic and scientific novelties.<sup>20</sup> The equations of world-economy were shifted to new positions in consequence. Some of the backward economic regions like India, China, Turkey, Latin America, the Balkan Complex, etc., were elevated to the primary stages of the first industrial revolution. War was demonstrated to be an agent in world-economic equations.

During the World-War II (since September 1939) the rôle of inventions and discoveries in technology and science has been no less profound and epoch-making. Not only the techno-economic go-aheads but the backwards and laggards as well have been feeling the impact of thousands of new patents. New indices of *arthik unnati* (economic progress) and new equations of world-economy are appearing in the *milieu* of even colonies and depen-

<sup>20</sup> Diverse aspects of the progress of technology may be seen in W G Waffenschmidt *Technik und Wirtschaft* (Jena 1929), chapter I *Geschichte der Technik*, Chapter V *Fortschritt der Technik*. For rationalization as a post-World-War I phenomenon see Hirsch *Die Bedeutung der Rationalisierung für deutsches Wirtschaftsleben* (Berlin 1928). *The Orient Economist* (Tokyo) for February 1935 has a paper on “Japanese Patent Activity” from 1885 to 1935. See also B K Sarkar “Trusts and Rationalization Aspects of the New Industrial Revolution” (*Journal of the Bengal National Chamber of Commerce*, Calcutta September 1927, as well as *Calcutta Review*, October 1927) and “Traces of Rationalization in Indian Business Enterprise” in *Economic Development* (Calcutta) Vol II (1932, 1938).

dencies Evidently the doses of progress in these regions are not likely to be anything but homœopathic Their rates of *badti* (expansion) cannot but be very modest and almost imperceptible The new equations for such regions may not therefore be shifted to substantially new positions

# COLONIES AND BACKWARD PEOPLES

BY

PROF. K. A. NILAKANTA SASTRI,

*University of Madras*

Webster's dictionary gives the word 'colony' two meanings of interest to this study. *First*, 'a company of people transplanted from their mother country to a new province or country, and remaining subject to the jurisdiction of the parent state'. This meaning is in strict conformity with current English usage in constitutional law, and is supported by a citation from the Statute of Westminster which rules that the expression 'colony' shall not include a Dominion or any Province or State forming part of a Dominion. *Secondly*, 'any distant territory dependent on a ruling power'—which makes India, Burma, and Ceylon colonies of Great Britain, and is broad enough to include all dependencies of all colonial powers. Within the British Empire, then, the distinction that matters is that between 'Dominions' and 'Colonies' so that those who asked that Dominion Status for India should be made statutory in 1935 as well as those who were particular that it should not be done and saw to it that it was not done knew clearly what they were about.

India with Burma is indeed treated separately from colonies, a separate Secretary of State and the India Office stand beside the two other Secretaries of State for Dominions and for Colonies, but that is an arrangement dictated by administrative convenience, sometimes availed of also to camouflage India's real position by conferring on her formal, but empty, distinctions like original membership of the League of Nations, and representation in the war cabinet.

But who are backward peoples? I am purposely avoiding the word races. Article 22 (on Mandates) of the League of Nations covenant describes them as 'people not yet able to stand by themselves under the strenuous conditions of the modern world'. It may occur to us that the present war has shown that no nation, not France, not Britain, not even the U S A, is able to stand by itself,

but let us pass this by, and turn to the League covenant. The backward peoples were to be placed under the tutelage of the more advanced nations and administered by them as Mandatories of the League on the principle that 'the well-being and development of such peoples form a sacred trust of civilization'. This system was, however, applied only to colonies and territories taken from the defeated powers, primarily Germany and Turkey. The Mandates were of three classes, the division being based on expediency and convenience, rather than on logic or principle—(a) Communities formerly belonging to the Turkish Empire, sufficiently developed to be recognised provisionally as independent nations, subject to the rendering of administrative advice and assistance by a Mandatory selected according to their wishes until such time as they are able to stand alone. Iraq is the leading example under this class, its mandate was terminated in 1932 and it is now an independent power in alliance with the British Empire. Recent events have shown that advice and assistance from Britain are still forthcoming and in an increasing measure under war conditions. (b) Other peoples, especially those of Central Africa, less developed, whose territory must be administered by the Mandatory who should guarantee freedom of conscience and religion, maintain public order and morals, prohibit abuses such as slave trade, arms traffic and liquor traffic, prevent the fortification of the territory and the arming of the people for other than police purposes and defence of the territory, and lastly, secure equal opportunities for the trade and commerce of other members of the League. (c) Territories, notice the change from communities and peoples to territories here, such as S W Africa, and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population. It is difficult to see how this class of mandates differs in practice from annexation like that of Cyprus.

Such is the posture of the colonial problem as it has been shaped by the dispositions made by the victorious

powers after World War I. I do not think it necessary for our discussion to go into the history of colonization in the nineteenth century and before. The expansion of England, the scramble for the dark continent, the conquest of India and the forcing of 'concessions' from China are twice-told tales familiar to everybody. A. P. Newton's *A Hundred Years of the British Empire* (1940) is a recent and comprehensive account by a confirmed Imperialist, Leonard Barnes' *Empire Vs Democracy* (1939) is a more critical study of the colonial question from a broader point of view.

Here is a picture of the advanced nations of Europe in their relations among themselves and to the rest of the world, it neatly portrays most of the elements we must take account of. It is from the pen of a great writer and thinker of wide experience, Madariaga. Writing just before the outbreak of the present war, he says "Nations sign a solemn pledge to abstain from war, and get ready to resist by arms whosoever will cross the path which they have set out for themselves, government departments send spies to filch war plans from their dear friends, people keep thinking of unthinkable wars until they can think of nothing else, drink, prostitution, slavery, and war, like four black hounds, follow everywhere the white horse of the Knight of civilization, the old hag of colonization puts on a fig leaf and calls itself mandate, men are declared equal from the pulpit, but class and colour bars cut across their equality and the problem of colour haunts all thinking minds with its tantalizing difficulty, millions of socialists call themselves pacifists and dream of class-war, small nations are thought of and treated as markets; areas of the world are mapped out to trusts by a handful of obscure but powerful men, open diplomacy is wirepulled by secret finance, and the League of Nations becomes a kind of *kriegspiel* for diplomats. Chaos in minds, in material relations, in the drift of history" (*The World's Design*, pp 7-8).

At no period of their long history did the Asiatic nations present a spectacle so fraught with moral turpitude, and so charged with danger to themselves and to the rest of the world. But then, they never attained the deadly efficiency in the technique of destruction so laboriously built up by Western nations, until Japan came forward to win unenvied distinction in beating them at

their own game. When in days long past Indians left their homes for China, or the Chinese for India, it was for the enrichment of human culture and attainment of a greater humanity, for the development of the god in man, not the unleashing of the brute in him. And when colonies were founded, the motive was furnished neither by desire for glory nor by lust of exploitation but by the natural impulse to continue and fulfil the task of civilization that had begun when the Aryan first set foot on India's sacred soil. Some thoughtful men in the West are aware of all this, but they are not as many as one having the world's well-being at heart would wish. On May 30, 1942, for instance, a writer in the *New Statesman and Nation* said "With a longer history behind them than Mr. Churchill, the Chinese understand more than he about the relations of Asia and Europe. They have never for a moment doubted, though they are too polite to say so, that they are the superiors of the white race in ability, in morality, in culture, and in all arts of civilization." These words, occurring in the midst of a forceful political argument, perhaps overstate the case; but they are true in substance, and what is true of the Chinese is true of the Indians as well.

Let us now consider the colonial problem from the standpoint of the powers, great and small, which compete for colonies. The view is sometimes expressed that colonial possessions are a *damnosa hereditas* which the powers would readily give up were it not for their sense of responsibility for the well-being of the colonials. But nowhere do the colonials seem to be convinced that they are taken proper care of, and it may be doubted if any colony would shed a tear if the white man suddenly elected to-day to lay down his self-imposed burden. And *a priori* it is not natural to expect in any people so much disinterested desire to do good to other peoples. The truth of the matter was fairly put many years ago by J. S. Mill, when he said "The Government of a people by itself has a meaning, and a reality, but such a thing as government of one people by another, does not and cannot exist. One people may keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm to be worked for the profit of its own inhabitants." This talk of concern for the well-being of the colonials is possibly not all of its cant; some pious souls may be

honestly persuaded of its truth, but they are too few or too weak to influence the course of affairs. This then is the first price of imperialism that colonial powers have to pay,—the constant entertainment of a living lie in the soul, to pretend that you are doing everything for the good of the other fellow while you know that it is your own interest, glory, or strategic advantage that eggs you on.

Burke warned Britain against 'the breakers of law in India becoming the makers of law for England'. But today Prof Newton records with pride that but for Britain's work in India, 'the history of the last century and a half would have been very different both for Britain and India and for the world as a whole'. For an illustration we may cite his statement on the British achievement in Malaya, he says "without the exertion of any armed force, by the application of the experience that had been learned in the native states of India, a few British officials effected a profound change". It is a fair cry to this note of admiration for Machiavellism from Burke's noble outlook on human affairs! And who knows that the 'New Despotism' against which Lord Hewart raised his voice is not also, at least in part, a gift of imperialism? And is there no danger lurking in the new phenomenon of high placed military officials in India openly taking sides in the field of politics?

To turn now for a moment to the more tangible effects of colonial possessions of European nations,—none can doubt that colonies have been among the most potent causes of jealousy and strife. Here is Madariaga's balanced estimate of the place of the colonial system in the world of today. "Impressive witness of a great past, an extensive part of the world is still under a colonial status. If greed, cruelty and contempt of man have gone to its making, courage, statesmanship and a faith in some cases deeply religious, in others sincerely humanistic, shines also over the historical origins and the economic and administrative development of the colonial system. But the system is obsolete in our days. It brings into too close a contact races with an entirely different outlook, not merely on economic affairs, but on the very essence of life. Colonial territories are fertile fields where the seed of future trouble is being sown at present. A tradition of prestige which attaches to colonies as it does to navies makes of the mere existence of the colonial system a



permanent cause of trouble and irritation amongst nations, and helps to keep the world in a state of predisposition to war" (p 242) Hitler indeed is known to have told Mr Neville Chamberlain at Godesberg "There is one awkward question—the colonies But that is not a matter for war, there will be no mobilisation about that" (Barnes, p 15), but this is in flagrant contradiction of what he has said on other occasions, and the very fact of his mentioning colonies and war together is full of sinister significance Germany's attitude on this matter on the eve of the war was correctly assessed by Barnes when he said "It riles the Germans that a bunch of little one-eyed countries with few guns and no great superfluity of butter-countries like Holland, Belgium, and Portugal should own extensive colonial empires, while Germany herself has none You may have colonies and not be a great power, but you cannot be a great power and not have colonies" (p 52) But as Madariaga observes "there is no reason whatsoever why the ex-German colonies should be returned to Germany, except that France and Great Britain should not have appropriated them" (p 261), "for their action turned into a war of conquest what they had proclaimed to be a war for freedom and justice" (p 263) And there was a real dilemma before the war, these colonies could not be retained by France and England without strengthening two dictators with powerful moral ammunition against "hypocritical" democracies, they could not be returned to Nazi Germany without justifying dictatorships by results (p 261) In discussing the colonial ambitions of the have-not powers, English writers have sometimes urged that the nations of the world should not follow the past vices of British imperialism but imitate the progressive virtues of the British Commonwealth What the commonwealth means today, for the colonies including India apart from the Dominions we shall indicate presently. Apart from that, however, such an argument overlooks an essential moral consideration, mere persistence in the enjoyment of an unjust advantage entailed from a past violence, and opposition to changes in a situation which has become unjust by the mere passing of time (Madariaga, p 97) is itself a form of obstruction as provocative as it is quiet.

On the side of the colonies, it seems to be generally true that none of them desires to continue the white con-

nection, they are struck more by the evils they have suffered than by the benefits they have received from this connection. The Germans, though they have no colonies, are not without their plan of colonial policy for the future, by this policy, coloured people will be allowed their full rights of existence in their home land, no native will be allowed to become a German citizen, and native schools will not teach any 'European' matter, no higher schools or universities will be open to them, and no nonsense about the equality of races will be taught or tolerated (Barnes, 50-51). On this programme the natives stand to gain nothing, and they are sure to lose much by the natural avenues of their progress being systematically blocked, they will be allowed 'full' rights of existence, but mere existence is not life, and decay and disappearance will sooner or later be their destiny,—the fate of Red Indians promoted possibly by less violent means, but who knows? The colonials, however backward their condition, have no inducement to be grateful to the *herrenfolk*.

The position appears different under democratic colonial policy. The theory of trusteeship and assisting peoples to the realisation of self-government is indeed, in the abstract, an excellent theory. But very seldom has it been actually practised, and on those rare occasions the men who stood up for fairness to the native were shouted down as 'negrophile' (Newton, p. 109), 'clemency Canning' and what not. And Ripon's experience over the Ilbert Bill is one of the most significant chapters of colonial administration. Himself a confirmed believer in the physiological and emotional unity of mankind (86-87), Madariaga sees no possibility of the white and coloured races living on friendly terms in the same neighbourhood so long as current ideas prevail. He says "Let us be quite frank about it, for we are in earnest and we must not mince words. The Anglo-Saxon, and in general the so-called Nordic races, entertain anything but equalitarian feelings towards the colonial races, and particularly the African blacks" (88). The African peoples, indeed, have suffered untold injury and neglect. At the Peace Conference in Paris, "All were agreed," said President Wilson, "to oppose the restoration of German colonies." Lloyd George adds the comment that the revelations as to the military, naval and aerial use which the Germans

intended to make of their colonies in the future were responsible for that unanimity. The fact, that the territories involved had inhabitants of their own, seems to have been quite forgotten' (Barnes, p. 23). In the heat of the Ilbert Bill controversy, a certain "Brittanicus" (*sic*) wrote to the *Englishman* "The only people who have any right to India are the British. Privileges the so-called Indians have which we do not begrudge them, and for which they ought to be grateful instead of clamouring for more and abusing the British if they do not get what they clamour for." (Wolf, *Ripon* II. p. 129). Probably there are many Englishmen today who would protest actively against such crudeness as this gem of anonymous journalism exhibits, but British Indian administration is still only too ready on all possible occasions to sacrifice India's interests to those of Britain.

The coloured people have often good reason to feel that the white man is playing with them the game of 'heads I win, tails you lose'. The administration starts oppressing the native to satisfy the demands of local whites, some other white men, the missionaries and philanthropists, or the home government, or both intercede for the native and gain him 'privileges' for which he has to be grateful. Here is an instance from Cape Colony 'By the celebrated Fiftieth Ordinance which was promulgated in 1828 and confirmed in 1829,' solemnly records Prof. Newton, 'the competence of coloured people to purchase or possess land was confirmed, and they were allowed to move about freely, without passes or hindrance into every part of the colony' (p. 105). Is this not philanthropy indeed? What more could the coloured people want? They could buy land in their own country, and move about without passes! Likewise, when planters overwork the coolies, underpay them, and ill-treat them in all manner of ways, the government intervenes and secures 'concessions' which are generously granted to them! No wonder, a humanist like Leonard Woolf declares all European states to be absolutely unfit to own African colonies. "It would," he says, "be absurd to deny that European civilisation, through the machinery of state and trade, has carried some considerable benefits into Africa, but the autocratic dominion of European over African has been accompanied by such horrible cruelty, exploitation, and injustice that it is difficult not to believe-

that the balance of good in the world would have been and would be infinitely greater, if the European and his state had never entered Africa (*Empire and Commerce in Africa*, p 259, cited by Barnes, pp 48-49)

Policy and administration have a tendency to put on a milder appearance and to be buttered occasionally with sweet words in the case of colonies inhabited by peoples of Oriental culture, it is not necessary to enter into any detailed study of French and Dutch policy in the East, and British policy in Malaya and Burma admittedly stands condemned by the results as revealed by the disastrous progress of the present war. It is no less bungling and incompetent, wooden and inelastic in India. British Indian history is full of promises made in a generous mood or under stress of necessity and then whittled down or obstructed in the fulfilment by mean second-thoughts. The condition of India in the last few weeks has been anything but reassuring. I do not propose to enter upon the task of apportioning blame for the past, for I do not think it is of much use, and more than that, we are not likely to get at the truth if we went merely by the formal public statements of the various parties. There will be agreement, however, that we seem to have reached an intrinsically untenable situation. This must set people thinking why this is so, and what is the reality behind it. When the premier of England states in unmistakable terms that India is all right because there are now more white soldiers in it than at any time, and this after the American President with great statesmanship had instructed the American soldiers in India not to get mixed up in Indian politics, and when in return for aid against Germany, Russia is required to renounce all interest in the Indian question,\* there arises a natural suspicion in Chungking and Washington about the intentions of England in India. This suspicion has been publicly expressed by a prominent journalist of America, who wrote in *The Washington Post* recently (*Hindu* Oct 2, 1942) "Competent persons who have been exploring the problem believe that the possibility of agreement is greater than British authorities in India admit or perhaps realise. In fact there are dis-

\* This is an inference from the terms of clause V of the Anglo-Russian treaty of June 1942 where India is not expressly mentioned

quieting signs that some of the latter intend to use the present opportunity to break the power of the Congress Party in the hope of retaining India on a colonial or semi-colonial basis." One wonders if Mr. Ernest Lindley had occasion to notice that a Provincial Governor said nearly as much some time ago! Another American writer, commenting on a speech of Mr. Churchill in Washington, observed "There could have been nothing reassuring or comforting to our Asiatic Allies in the closing words of Churchill's first speech in Washington, 'The British and American peoples will for their own safety and the good of all walk together side by side in majesty, justice and peace.' An England, a United States 'walking together in majesty,' 'can only mean to the coloured peoples a formidable White Imperialism more dangerous to them than anything even a victorious Japan can threaten'" (*New Statesman*, May 30, reproduced in *Hindu*, August 17, 1942). The one hopeful sign is the renunciation of the so-called English and American rights in China on the 10th October, 1942. That some of these rights have been extinguished by Japan need not count as a detraction from the merit of the act, but the exclusion of Hong-Kong from its scope does so count, and one may doubt if it has any significance to India in the face of the new amendments to the Governments of India and Burma Acts, 1942.

I have said, I think, enough to show that colonialism breeds no good either to the colonial powers or to the colonials, that it has been an active promoter of misery and strife, and that any rational world order for the future should start by eliminating it completely. The theory of people not yet able to stand by themselves and their well-being forming a sacred trust in the hands of their betters, has turned out to be really nothing more than a less honest way of reasserting the old Greek view 'It is meet that Hellenes should rule over barbarians.' And the so-called advanced nations have been paying also a terrible price for their competition in the domination of the world. Barnes says truly "Had it not been for British and French imperial policy scouring the world for economic privileges at the expense of every prospect of free international cooperation, Hitlerism could hardly have arisen in Germany. Conversely, Hitlerism is unlikely to disappear so long as the British and French empires survive in their present economic and political

structure'' (p 261) This was written before the war. The course of the conflict has transferred the best part of French and Dutch colonial possessions, let us hope only for a time, into Japanese hands, together with Malaya and Burma. It is right to plan the driving out of the Japanese from their ill-gotten possessions, but there will be little enthusiasm for this cause in the minds of Asiatics if it means the mere restoration of the old order. And success in the enterprise would be, not perhaps, impossible, but very difficult of achievement without enthusiastic and total cooperation from all India.

To declare India free today, to assure Burma, Malaya, Indo-China and the East Indies of their freedom tomorrow, are obviously the first steps towards ensuring the successful and early termination of the war and the emergence of a really new world-order afterwards. If those in power on the side of the United Nations can command the sanity and the strength required for taking these initial steps, then we may hope that the peace after the war will be a real peace. The motives for conflict would have disappeared and disarmament would become practical politics. A world federation on a true democratic basis of equal opportunities for all men and all countries would become easy of establishment, and science would promote health and well-being instead of raining death and destruction. A French book on Anthropology contains the sentence 'Man indeed is god, but he is also a monkey'. Who will rule the world after the war—the god or the monkey in man? That is the question.

## REVIEW

MAURYAN POLITY by V R Ramchandra Dikshitar    Minerva Series  
on Government    Pamphlet No 3    pp 41    Price Annas Six  
Lahore, 1943

These are days of pamphlets and like so many of the foreign, especially British, publishers, the Minerva Book Shop of Lahore has started its own series of pamphlets. This is the third number of their series on Government, and is written by a person well known to the scholarly world. Mr Ramchandra Dikshitar of the Madras University gives us an excellent summary of the Mauryan Polity in about forty pages, based mainly on that reputed work *Arthashastra* by Kautilya. Naturally a work of this sort cannot be an exhaustive survey of the Mauryan administration compared by Havell with the British System of administration. Indeed the Mauryan System has much to commend itself to us. The Mauryan Polity was not the innovation of the Mauryas. It has an adaptation and elaboration of the philosophic scheme of the Indo-Aryan Polity "in which the common law of the land, formulated by the chosen representatives of the people, had a religious as well as a legal sanction, and represented the highest power of the state to which even the King and his ministers must bow" (Havell). It may surprise many Western people to discover that the Mother of Western Parliaments had an Aryan predecessor in India, showing a strong family likeness, before the 6th century B C and that her descendants were a great power in the state about the time of the Norman Conquest.

The Mauryan state insisted on unity in diversity. A sense of interdependence was pervading all classes working for the common good. Co-operation and harmony were the key-notes of this polity. The *Arthashastra* conceived of the state as an organism and gives us perhaps one of the earliest versions of this much criticised political theory. The State has seven limbs—the King, the minister, the territory, the fort, the treasury, the army and the ally—each with its peculiar function but ultimately contributing to the sum total. Thus putting forth the organic conception of the state the Mauryans insisted on the unity of the state which is now passing through a stage of great travail. This did not mean that since the state was a unity, everything was for the state. The place of the individual was recognised by the Mauryans who aimed to promote the welfare of the individuals. The Kings proclaimed that their happiness depended on the happiness of the people who were the support of the state. The *Arthashastra* which expounds this and other ideas is not the work of an unscrupulous Indian Machiavelli as Kautilya is supposed to be, but the contribution of a great political theorist in understanding whose ideas Mr Dikshitar has made a laudable effort though within the compass of a few pages.

V K BHANDARKAR

## NOTICE

### THE INDIAN POLITICAL SCIENCE ASSOCIATION

The New year of the Association began on January 1st, 1943. Kindly send your Annual Subscription of Rs 10/- (by cheques Rs 10/4/-) at your earliest convenience. The life-membership fee is Rs 100/- and I shall be glad if you will agree to become a life-member by sending me a cheque for Rs 100/4. In case your subscription is not received before the 31st January, 1943, the next issue of the Journal will be sent per V P P. Please note and send the subscription as early as possible.

The Sixth Annual Conference of the Association will be held at Lucknow either during Xmas 1943, or early in January, 1944 (the exact dates will be announced later) under the Presidentship of Principal C. D. Sondhi.

The subjects for discussion shall be —

- (a) Problems of Social and Political reconstruction with special reference to India
- (b) Indian Political thinkers since 1858
- (c) Public Services in India
- (d) Courses of studies in Political Science

Papers not exceeding 10 typed foolscap pages should reach the President before November 10th, 1943. A brief synopsis should accompany the paper and both must reach Lahore before the 10th November. This is most important.

You are requested to write a paper and make it a point to attend. *Please note that papers which do not fall within scope of the subjects selected and which do not reach Lahore, before November 10th, 1943, will not be accepted.*

A member of the Association can attend the Conference, without making any extra payment. Non-members can attend the Conference, read papers and participate in discussions on payment of a fee of Rs 5/- *Bona-fide* students can attend on payment of Rs 2/- only.

All those interested in the study and advancement of Political Science are requested to become members of the Association.

January 10, 1943

I. N. KHOSLA  
Secretary & Treasurer,  
Indian Political Science Association  
University Hall, Lahore.



## Opinions on the Indian Journal of Political Science

**Sir Alfred E. Zimmern**, *Professor of International Affairs, University of Oxford* —

I have found a good deal of interest in the first three numbers. The periodical surveys are most valuable and give a most useful insight into the working of government in various provinces."

\* \* \* \* \*

**Pandit Jawahar Lal Nehru**, *Allahabad (July 18, 1940)* writes —

It seems to me a very useful journal, attractively got up, with worthwhile contents. It certainly deserves success."

\* \* \* \* \*

*The Leader*, *Allahabad (September 12, 1939)* —

The **Indian Journal of Political Science** which is the quarterly organ of the Indian Political Science Association, has a strong editorial board.

The issue for July-September contains scholarly contributions by distinguished writers. There are well-written notes on constitutional problems and international affairs, e.g., constitutional deadlocks and conventions, provincial finances under autonomy, reform of the Covenant of the League of Nations and various aspects of the new constitutional machinery in the provinces. We congratulate the editor on the judicious selection and high standard of the articles, then careful editing and arrangement and the neat printing and get-up. The Journal bids fair to be one of the most weighty and most authoritative publications of its kind.

\* \* \* \* \*

*The Indian Nation*, *Patna (September 15, 1939)* —

The Journal is the first enterprise of its kind in this country and contains valuable articles from well-known writers on and professors of political science.

We are sure that a Journal of this kind, with which the names of so many prominent professors are associated, will be found extremely useful by students of political theory and political institutions in the country.

\* \* \* \* \*

*The Hindustan Review*, *Patna (for Sept-Oct., 1939)* —

The first number fully sustains its reputations as one of the leading quarterlies in the country. Its bill of fare is of high standard and it should be able to command a large circulation amongst students of Political Science.

\* \* \* \* \*

*The National Herald*, *Lucknow (November 8, 1939)* —

We welcome this appearance of the Journal as a landmark in the evolution of political science in this country.

The subjects range from International affairs to provincial autonomy and the growth of administrative law in the provinces. Equal attention is paid to theory and practice.

A revolution requires workers as well as thinkers, and it is a good sign that our professors are taking their proper place as moulders of political thought and as students of political institutions. There has been a divorce between thought and action in India. The amateur has had his say too much. Progress must be fed with clear thinking and clear expression, if not, it would lead to much slipshod work. The spade-work of the American Revolution was done by political thinkers and that is why America is now a democracy which, with all its defects, stands as a rock against time. That is a lesson for India.

We commend this Journal to the student as well as to the politician.

# DIALECTICAL MATERIALISM

BY

DR BOOL CHAND, M A , PH D ,

*Professor of Politics, Benares Hindu University*

## The Genesis of the Dialectic

Not until the seventeenth and eighteenth centuries did theories of progress become a really absorbing subject of speculation. Whatever actual advance in human culture was achieved down to the close of the Middle Ages was effected without any clearly formulated theory of progress. Among the ancient social philosophers in the west as well as in the east the dominating view of the social process was, either of a decline from a golden age in the past, or of a cyclical theory of history which represented human development as a series of repetitions of advance and decline returning to the first starting-point. There was complete absence of effort to construct a theory of secular progress, of the possibility of attainment on this planet of any secular condition approximating paradise. In India, it may be mentioned, the tendency to think in terms of isolated individual effort in the domain of social progress, as distinguished from a truly communal and social effort, remains a noticeable feature of even the latest social philosophy, for instance, of the social philosophy of Mahatma Gandhi.

In Europe the first appearance of theories of progress came in the period after the Renaissance. The period was marked by the rise of modern natural science and the hope of applying its results to human betterment. Anyhow, the overseas maritime activity of the people led to the observation of mankind in different stages of cultural development and, instinctively, to the formulation of a possibility of social evolution from primitive culture to modern times. The three philosophers of the period, Montaigne, Francis Bacon, and Descartes, who were the first to be influenced by the rise of modern science and the discoveries overseas, made their individual contributions to the development of the conception of secular progress. Montaigne insisted that the purpose of human learning

should be to teach mankind how to live more successfully, thus implicitly repudiating Christian objectives. Bacon denounced the current tendency to look back to the ancients as the source of extensive and infallible wisdom, and asked people to look forwards. Descartes's most important generalisation bearing on the theory of progress was his declaration that the philosopher must resolutely cut himself off from past authority and reject preconceived notions, for only by so doing can he expect to arrive at a sound and coherent body of knowledge.

A disciple of Descartes, Fontenelle, attempted a systematic exposition of progress. From a biological standpoint, he said, the ancients were not superior to the moderns, for human nature has remained essentially the same since 'pagan' times. In the fields of science and industry progress is cumulative, and naturally the moderns have advanced far beyond the ancients. Poetry and oratory are spontaneous expressions of human nature, so greatness in these realms might well be the same in ancient as well as modern times, but he indignantly stated that unreasoning admiration of the ancients would be a fundamental obstacle to human progress. The next great thinker on the theory of progress was the Italian philosopher, Vico. But modern theories were really anticipated by Turgot, the French statesman and publicist of the eighteenth century. He formulated a philosophy of history based upon a broad conception of the process of cultural evolution, and held that culture was the product of the interaction of geographical, biological and psychological factors, and that the most dynamic factor in history was the contact of cultures, whether induced by commerce, migrations or war.

Turgot stated that the advances of the past were but preliminary to the realisation of the perfections of the future. Thus he became the precursor of a doctrine of 'perfectionism,' which was launched after him by Helvetius, Condorcet and Godwin. Each one of these thinkers made an analysis of human attainments in the past and presented a wholly glowing picture of the striking advances which he anticipated in the future. Of these Godwin became the father of philosophical anarchism, arguing that man is essentially perfectible and that he will find the fulfilment of his purpose in an ideal anarchist society composed of free and enlightened individuals.

The next great philosopher of progress was Immanuel Kant, who elaborated his philosophy of history in a series of nine progressive propositions—that all the capacities implanted in a creature by nature are destined to completely unfold themselves in the course of time, that in man these capacities can be completely developed only in the species and not in the individual, that nature has willed that man shall produce his own happiness and perfection, that the means which nature employs to bring about the development of all the capacities implanted in man is their *mutual antagonism* in society, that the great practical problem for the human race is the establishment of a proper civil society, that this problem is most difficult and the *latest to be solved* by the human race, that the problem of the proper establishment of a civil society is dependent upon the proper regulation of the external relations between states, that the history of human race, viewed as a whole, may be regarded as a realisation of a hidden plan of nature to bring about a political constitution, and that a philosophical attempt to work out the universal history of the world according to the plan of nature must be regarded as possible

Kant's conception of progress, as will be clear from the reading of the above propositions, was a moralist conception of the process of human development. A romantic view, with its inescapable mystical strain, was offered by the philosopher Herder. But one of the above propositions in Kant's analysis was elaborated by the philosopher Hegel into a new and wholly distinct theory of human progress, the 'dialectic' of development. Hegel's dialectic, adopted by Karl Marx later on in the development of his theory of communism, has more than a curious interest as an explanation of the process of human advancement, for with the propagation of doctrinaire communism it became the centre of one of the most heated controversies ever occasioned in the intellectual world.

### **The Meaning of the Dialectic.**

From what has been said before, it will be clear that the dialectic was elaborated by Hegel as an explanation of the progress of human society. Hegel said that the advancement of human civilisation had not been in a positive straight line, but in a zigzag wavy sort of movement like "a ship tacking against an unfavourable wind."

The problem of philosophy, according to Hegel, was to know nature and the entire world of experience as it is, and to comprehend the reason in it. The world is not static, it is essentially dynamic, and so the true concept must be an active, moving process, a process of evolution. In evolution, Hegel argued, something that is undeveloped, undifferentiated or homogeneous, develops by differentiating or splitting up, assuming many different and even opposing or contradictory forms, and then uniting again in a new concrete particularised object, thus becoming a unity in diversity. The higher stage in the process of evolution, said Hegel, is the realisation of the lower, that is to say, it is really what the lower intended to be. The lower form is negated in the higher, *i.e.*, it does not remain what it was, but is also preserved in the higher, *i.e.*, it gets carried over, or sublated. This whole process of evolution, of change from the lower to the higher form, Hegel called by the name Dialectic.

It may be clarified that the term 'dialectic' was employed by the Sophists and other Greek philosophers also in ancient times. To them it was not a method of demonstrating known truths or of discovering new truths. They used the word in the main to denote a method of disputation whose primary aim was to trip up a speaker by showing that the implications of his statement were self-refuting. The dialectic was used in court-room and public assembly and sometimes at philosophical exhibitions of low order, and centred round ambiguities of terms, elliptical expressions, awkward grammatical constructions as a method of twisting a meaning from words which was quite foreign to the intent of the person who uttered them. Plato used the term somewhat more honourably to mean a process of thinking by which the dramatic conflict of ideas, as they arise in dialogue or monologue, is resolved by definition. For Plato ideas were not mental events or physical things, they were merely meanings, essences, without any reference to existence, so that to Plato, the dialectic was a process by which the structure of logical systems was discovered. To Hegel, on the other hand, the dialectical method is not merely a process by which logical ideas develop, to him it is a process by which all things in the world develop. Hegel's conception of nature, society and the human mind was thoroughly logical. He believed that history shows a continuous and orderly un-

folding, and that each of its periods has its own character which unites all the institutions of that period, its religion, its philosophy, its art as well as its political history, and he regarded the historical process as intrinsically comprehensible and reducible to a logical principle. The real is the rational, he said, and the rational is the real. There were certain apparent confusions in the course of human social development, and he offered the dialectic as the clue to the penetration of this apparent confusion. Opposition and contrariety, he felt, existed in nature and in thought everywhere, but while the Greek philosophers had thought of the balancing of opposites, for instance, in Aristotle's theory of mixed constitution, as the key to stability and permanence, Hegel thought of it as leading rather to a moving equilibrium. Contrary forces in history, he said, provide the necessary force for its movement and point to the direction of its change. His dialectics of development was the generalised principle of an opposition of forces in moving and orderly equilibrium, emerging in a pattern of progressive logical development.

The dialectical method may be best explained by reference to the theory of causation as expounded in the various schools of Indian philosophy. Here we have four distinct doctrines of the process of causation or change. There is the Vedantic doctrine, which assumes that there is an all-pervasive reality called the Brahma, which creates and is the material cause of the world. On the question whether the creation is real or illusory, different schools of Vedanta have arisen, but the theory of causation offered by all these schools is what has been called *satkārya-vāda*. The *satkārya-vāda* doctrine takes for granted that the effect (कर्म) coexists in the cause (कारण) inherently and perpetually, that is to say, that the effect is latently existent in the cause even before its appearance. The Sankhya school, which assumes the existence of an ultimate reality, the Purusha, and a subtle material substance which produces the world of objects, the Prakriti, also favours the *satkārya-vāda* doctrine, that the effect originally exists in the cause, even prior to its actual production, but the Sankhya school differs from Vedanta in so far as it believes that when an effect is produced, there takes place a real transformation of the cause into effect (*parināma-vāda*), while the Vedanta school (in particular the Advaita Vedanta school) holds that the change of the

cause into the effect is merely apparent and not real at all, so that the cause continues to exist in its original form even after the effect has taken place (*vivarta-vāda*) Against these two views there is the *asatkārya-vāda* theory favoured by the Buddhist and Nyaya philosophers According to them, the effect cannot be said to exist before it is produced by some cause The Nyaya school, however, argues in favour of an intelligent cause of the whole universe, such as must have a direct knowledge of the material causes as means (*jñāna*), a desire to attain some end (*cikérsá*), and the power of will to accomplish or realise the end (*kṛití*) With any intelligent cause of the universe Buddhist philosophy is not troubled, it believes in a spontaneous and universal law of causation which conditions the appearance of all events, mental and physical, and which does not depend for its operation upon the help of any conscious guide The Buddhist theory is known as *pratityasamutpada*, or the theory of dependent origination, and it implies that the world is in constant flux, that nothing exists unchanged for more than one moment, and that whenever a particular event (the cause) appears it must be followed by another particular event (the effect)

It will be clear that of the above theories, the first two, classified as *satkārya-vāda*, look upon reality as unchanging and stationary, and emphasise identity as the basis of universal life As such they are an explanation of static society and can have no analogy to Hegelian dialectic The last two, however, classified as *asatkārya-vāda*, think of life as a changing, evolving phenomena and seek to offer an explanation of change Of these the Nyaya introduces into the theory of causation a metaphysical element, the conception of God, in order to fulfil the need for an intelligent efficient cause It is the Buddhist doctrine alone which seeks to offer an explanation of change in terms that are realistic and rational Hegel's dialectic, it might appear at first sight, is merely an alternative theory to explain the problem set by Buddhism Like the Buddhist philosopher, Hegel believes that the universe, the known world of experience is in constant flux, but unlike Buddhist belief, he thinks that it is moving towards a definite point, that point being the idea, the potential universe, the timeless totality of all the possibilities of evolution The universe, according to

him, is a process of evolution, in which there is a compelling necessity for the ends and purposes of that evolution to be realised. To him the whole process of evolution is logical, governed by definite rational principles. "It is not an insane flux, an unbridled, absolutely meaningless happening, but an orderly evolution, a progress." There is no such inevitability about the realisation of the ends of evolution in Buddhist thought, and no such rationality about the procedure. The principle of *patityasamutpāda* takes its stand on the impermanence of existence and a sequential order of change. The criterion, according to it, of the existence of a thing is its capacity to produce some effect, but the effect itself may be determined by the presence of certain auxiliary conditions. A seed in the house may not produce the seedling as in the field, and so there would be no meaning in accepting the inevitability of evolution in a definite direction.

Hegel proceeds to define exactly what he deems to be the rational procedure of change involved in the dialectic. He calls it the process of being, nothing and becoming, of thesis, antithesis and synthesis. To explain the operation of the principle, he gave the famous example of the genus changing into species as a result of the sublation of *differentia*. We begin, he said, with an abstract universal concept (thesis), the concept gives rise to a contradiction (antithesis), the contradictory concepts are reconciled in a third concept which, therefore, is a union of the other two (synthesis). The idea is that the process of change involves a substance first negating itself and then negating that negation into a higher form. Engels gives numerous examples of this negation of the negation in his *Anti-Dühring*.

"Let us take a grain of barley. Millions of such grains of barley are milled, boiled and brewed and then consumed. But if such a grain of barley meets with conditions which for it are normal, if it falls on suitable soil, then under the influence of heat and moisture a specific change takes place, it germinates, the grain as such ceases to exist, it is negated, and in its place appears the plant which has arisen from it, the negation of the grain. But what is the normal life-process of this plant? It grows, flowers, is fertilised and finally once more



produces grains of barley, and as soon as these have ripened the stalk dies, is in its turn negated. As a result of this negation of the negation we have once again the original grain of barley, but not as a single unit, but ten, twenty or thirty fold. Species of grain change extremely slowly and so the barley of to-day is almost the same as it was a century ago.

But if we take an artificially cultivated ornamental plant, for example, a dahlia or an orchid, if we treat the seed and the plant which grows from it as a gardener does, we get as the result of this negation of the negation not only more seeds, but also qualitatively better seeds, which produce more beautiful flowers, and each fresh repetition of this process, each repeated negation of the negation increases this improvement. With most insects, this process follows the same lines as in the case of the grain of barley. Butterflies, for example, spring from the eggs through a negation of the egg, they pass through certain transformations until they reach sexual maturity, they pair and are in turn negated, dying as soon as the pairing process has been completed and the female has laid its numerous eggs. We are not concerned at the moment with the fact that with other plants and animals the process does not take such a simple form, that before they die they produce seeds, eggs or offspring, not once but many times, our purpose here is only to show that the negation of the negation takes place in reality in both divisions of the organic world. Furthermore, the whole of geology is a series of negated negations, a series arising from the successive shattering of old and the depositing of new rock formations. First the original earth-crust brought into existence by the cooling of liquid mass was broken up by oceanic, meteorological and atmospherico-chemical action, and these disintegrated masses were deposited on the ocean floor. Local elevations of the ocean floor above the surface of the sea subject portions of these first strata once more

to the action of rain, the changing temperature of the seasons and the oxygen and carbonic acid of the atmosphere. These same influences acted on the molten masses of rock which issued from the interior of the earth, broke through the strata and subsequently solidified. In this way, in the course of millions of centuries, ever new strata are formed and in turn are for the most part destroyed, ever a new serving as material for the formation of new strata. But the result of this process has been a very positive one: the creation, out of the most varied chemical elements, of a mixed and mechanically pulverised soil which makes possible the most abundant and diverse vegetation.

It is the same in mathematics. Let us take any algebraical magnitude whatever, for example,  $a$ . If this is negated, we get  $-a$  (minus  $a$ ). If we negate that negation, by multiplying  $-a$  by  $-a$ , we get  $a^2$ , i.e., the original positive magnitude, but at a higher degree, raised to its second power.

These examples would make it quite clear that the synthesis in Hegelian dialectic is looked upon as the explicit form of the thesis. The higher stage in the process of evolution is regarded as the realisation of the lower, what was implicit in the lower form becomes explicit or is made manifest in the higher, so that every stage in the process contains all the preceding stages and foreshadows all the future ones.

These ideas of the dialectical procedure are, it may be mentioned, implicit in the Buddhist theory of causation. In order that a new state of existence may occur, the present state must first vanish. The new state is admitted by Buddhist philosophers to comprehend all the elements of the present state, and certain additional ones. But the essential difference between the Buddhist theory of change and the Hegelian dialectic is in the use made of the principle. Having enunciated the principle, Buddhist philosophers employed it for the solution of spiritual questions, like the origin of misery and the removal of misery. Hegel applied his dialectical theory to the explanation of progress of society and its institutions.

Such an employment of the dialectic was essentially invalid and was quite often unsuccessful. For instance, in the philosophy of spirit Hegel put forward as one of his triads the notions of art, religion, and philosophy, art being the thesis, religion the antithesis, and philosophy the synthesis. "It is very difficult to see in what sense religion is the opposite of art, and it is quite impossible to see that art and philosophy are related as genus and species, or that religion can be regarded as the differentia"<sup>1</sup> The principle is essentially applicable to thought procedure, and its employment to thought categories such as Hegel attempted to do naturally caused irregularities. Dr McTaggart has in a brilliant book on 'Studies in Hegelian Dialectics' pointed out that although the dialectical method must be looked up as wholly valid in theory, its application to assist in the explanation of the various facts presented to us in experience makes it very questionable. Three difficulties in particular presented themselves to him. First, that the theses, antitheses, and syntheses cannot be recognised except in relation to one another. Secondly, that in religion, history, law and philosophy, the dialectical process is affected by external influences. Thirdly, that in the application of this method to the field of natural and social sciences we would be dealing with a subject-matter which is highly intricate and not sufficiently systematised. "We thus seem reduced," concludes Dr McTaggart, "to a state of almost complete scepticism as to the value of Hegel's applications of the dialectic, taken as systems. We may continue to regard as true the idea of the evolution, by inherent necessity, of the full meaning of reality. But Hegel's magnificent attempt to trace the working of that evolution through the whole field of human knowledge must be given up."<sup>2</sup>

### Dialectical Materialism.

If Hegel's attempt to trace the working of dialectical evolution through the whole field of human knowledge was invalid, it may appear that more invalid still would be Marx's attempt to apply the dialectical principle to the materialistic advancement of society, to create a theory of dialectical materialism.

<sup>1</sup> Stace *Philosophy of Hegel*, p. 97

<sup>2</sup> McTaggart *Studies in Hegelian Dialectic*,

The theory of dialectical materialism was completed by Marx about 1846, and from that time forward it was presumed in all that he wrote, although the statement of the theory was left to be made in 1878 by his associate, Frederick Engels, in his 'Anti-Duhring'. For the general nature of the dialectic and the kind of necessity which it permitted to be discovered in history, Marx and Engels both relied on Hegel, but they objected to the particular uses of it made by Hegel, and they of course rejected the idealistic interpretation of it as a self-development of thought. Their vocation, they said, was to study a self-development of nature itself as reflected in thought, and they attributed rationality to nature in more or less exactly the same sense in which Hegel had attributed rationality to thought.

Philosophical schools to-day are usually classified as dualists and monists, the dualists holding the belief that the stuff of the universe is of two kinds, mind and matter, which cannot be resolved into a unity, and the monists believing that they can be so resolved. Idealists and materialists, it may be mentioned, are both monists: the idealists think that the basic stuff of the universe is mind, and the materialists think, like the Charvaka philosophers in India, that the basic stuff of the universe is matter. Marx and Engels were both brought up as idealists, both, however, became materialists as a result of their investigations. Their whole cast of mind revolted at the idea that external reality was a mere mirror image of something inside the human mind. Contrary to idealism, which believes that only one mind really exists, they held that matter (*i.e.*, nature) is an objective reality existing outside and independent of the mind, indeed, that matter is primary, since it is the source of sensations and ideas, while the mind is secondary, being itself a reflection of matter, and that thought is a product of matter, when matter in its development has reached a high degree of perfection. Contrary to idealism, which denied all possibility of knowing the world and its laws, which did not believe in the authenticity of our knowledge, and did not recognise objective truth, Marx and Engels held that the world and its laws are fully knowable and that our knowledge of the laws of nature, tested by experiment and practice, is authentic knowledge having the validity of objective truth. Contrary to idealism, which regarded the

world as the embodiment of an absolute idea, a universal spirit, Marx and Engels developed the theory of philosophical materialism that the world is by its very nature material and that the multifold phenomena of the world constitute different forms of matter in motion and that the world develops in accordance with the laws of movement of matter, which can be broadly defined

The law of the movement of matter is none other than the dialectical law enunciated by Hegel, but how is it to be applied to matter? Marx and Engels argued that as nature (*i e*, the material world) is primary and mind (*i e*, thought) is secondary, and as the material world represents objective reality existing independently of the mind of men, while the mind is merely a reflection of this objective reality, it must be recognised that that material being of society is primary and its spiritual life secondary, and that the material being of society is an objective reality existing independently of the will of men, while the spiritual and ideological life is merely a reflection of this objective reality "It is not the consciousness of men that determines their being," said Marx, "but, on the contrary, their social being that determines their consciousness". In the different periods of the history of society, different social ideas and theories of the good develop, but they are merely a reflection of the material being of society, with however, an occasional lag. Marx and Engels go on to analyse the concept of the material being of society, it would include nature, geographical environment, population, its density, etc., but the chief force which determines the physiognomy of society and the character of social being at any particular time is the method of procuring the means of life necessary for human existence, the mode of production of material values such as are indispensable for the life and development of society. This analysis at once gives them the clue for the application of dialectical law to nature. The mode of production of material values is always in a state of flux and development, and Marx and Engels concluded that this development follows the law of movement known as dialectical, that the history of the development of society follows the same procedure of thesis, antithesis and synthesis, which Hegel applied to his philosophy of the spirit.

Of the operation in the historical growth of society of the dialectical principle, with its necessary concomitant of

the negation of negation, Engels has given us certain examples

“All civilised peoples begin with the common ownership of land. With all peoples who have passed a certain primitive stage, in the course of the development of agriculture, this common ownership becomes a fetter on production. It is abolished, negated, and after a longer or shorter series of intermediate stages is transformed into private property. But at a higher stage of agricultural development, brought about by private property in land itself, private property in turn becomes a fetter on production as is the case to-day, both with small and large landownership. The demand that it also should be negated, that it should once again be transformed into common property, necessarily arises. But this demand does not mean the restoration of the old original common ownership, but the institution of a far higher and more developed form of possession in common which, far from being a hindrance to production, on the contrary for the first time frees production from all fetters and gives it the possibility of making full use of modern chemical discoveries and mechanical inventions.

Or let us take another example: the philosophy of antiquity was primitive, natural materialism. As such, it was incapable of clearing up the relation between thought and matter. But the need to get clarity on this question led to the doctrine of a soul separable from the body, then to the assertion of the immortality of this soul, and finally to monotheism. The old materialism was therefore negated by idealism. But in the course of the further development of philosophy, idealism too became untenable and was negated by modern materialism. This modern materialism, the negation of the negation, is not the mere re-establishment of the old, but adds to the permanent foundations of this old materialism the whole thought content of two thousand years of development of philo-

sophy and natural science, as well as of the historical development of these two thousand years. It is in fact no longer a philosophy, but a simple conception of the world which has to establish its validity and be applied not in a science of sciences standing apart, but within the positive sciences. In this development philosophy is therefore 'sublated', that is, 'both abolished and preserved', abolished as regards its form and preserved as regards its real content."

These examples, it will be clear, do not by themselves establish the claim of dialectical materialism to universal validity. They do not establish that the procedure of the growth of material being of society necessarily follows a dialectical course. All that they do establish is that on taking a wide sweep of human social progress it is not impossible to pick up isolated phenomena which, when placed together, will bear resemblance to the process known as thesis, antithesis, and synthesis. Hegel, as we have already seen, developed the theory with a view to give an explanation of change in the thought process. We have also examined that when Hegel attempted to apply the theory to explain thought categories as distinguished from thought process, he was not always successful and had to face the type of difficulties which Dr McTaggart has so ably analysed. As the theory is justified in its application to thought process, it would be equally justified if employed for an explanation of change in the material world. But completed categories of change it would fail to explain in the material world in the same manner in which it fails to explain them in the world of thought. The attempt to explain the succession of such indefinite objective categories as the progress of material society involves, by means of the dialectical procedure cannot be very fruitful. For example, Stalin has in his *Dialectical and Historical Materialism* mentioned five main types of relations of production in the progress of human society. In the primitive communal type, the means of production were socially owned and the conception of private ownership had not yet arisen except for the personal possession of certain implements which were at the same time means of defence against beasts of prey. Under the slave system,

which replaced the primitive communal type of society, the slave owner became the owner of the means of production as well as of the worker in production. The slave system was replaced by the feudal system, and in the feudal system the feudal lord owned the means of production although he did not fully own the worker in production. The basis of production under the next stage, the capitalist system, became one in which the capitalist owned the means of production but not the workers in production at all. The capitalist system, under the force of contradictions which it is unable to solve, is giving place to the socialist system, in which means of production are again being socially owned. In this account of the development of society, it is somewhat difficult to appreciate the working of the dialectical law. What, in the development of social progress, would be the meaning exactly of a 'thesis'? Hegel refers to the absolute universal concept, what would be the absolute universal concept in social development? In this particular account, is it communal ownership of the means of production or the private ownership of the means of production, that would approximate to the absolute universal concept? Again, how long would the dialectical law, that is to say, any particular triad in its working, take to complete itself in the domain of social history? What would be the span of its movement? These are questions which dialectical materialism would find it extremely difficult to answer, if dialectical materialism should seek to base itself on Hegelian precepts.

But dialectical materialism, as it has been explained in books on Marxism, does not really build itself on the canons of Hegelian logic. Dialectical materialism, that is, the application by Marx and Engels of the dialectic method to the explanation of human social progress, aimed at the rectification or removal of certain weaknesses that were noticeable in the current method of social analysis, which viewed society from a static rather than a dynamic aspect. It sought, first, to explain the continuity of culture in human history, and succeeded in doing so by drawing attention to the fact that men are the product of their environment and education, so that there can be no dissociation of cause from effect in the social world. The process of development continues without a break, either progressively or at times even regressively.



The theory of dialectical materialism lays no claim, as Hegel's logic does, to enunciate laws of social life which would be wholly fixed and invariable. It merely says that there is a general scheme of development which comprehends at critical times a complex interaction of (1) the social institutions from which we start, (2) the felt needs which their imminent development produces, and (3) the will to action which flows from knowledge of the relation between institutions and human needs. As a result of this interaction, new laws of social organisation and behaviour arise. The theory of dialectical materialism asserted, secondly, that in the progress of human society, the rise of each civilisation represents a loss as well as a gain, and that the loss humanity suffers each time it makes a step forward is not necessarily a permanent one, for the next step in advance may remedy the evils produced in the previous one, while retaining its achievements. It drew attention, thirdly, to the fact, which biological sciences have already begun fully to recognise, that quantitative changes do in the course of time become qualitative changes in the growth of human society. These implications of the principle of dialectical materialism are basically well-founded, and no sociologist can possibly refute them. But apart from these implications, Marxian dialect is no more than a generalised argument for stating that contrary forces are always present in history, and, in fact, constitute the moving force of history. The movement of history is by the process of action and reaction. The contrary forces are never in permanent balance, sometimes one force, sometimes the other gains ascendancy. The destruction of one position in a controversial situation is never complete, because both sides are partly right and partly wrong, and whenever the right and the wrong seem to be properly weighed, a third position emerges which is more adequate than either.

That this analysis of dialectical materialism is essentially correct, would be clear from a consideration of the problem suggested by the social expression of the dialection is a society, which has become communistic and classless. What contradictions of social life would there be in such a society to provide the basis for the operation of the dialectical process,—a society in which historical materialism, the theory of surplus value, and the theory

of class struggle have got automatically suspended.<sup>2</sup> Thus, either the dialectic means no more than the Buddhist law of dependent origination, which believes that there can be no effect without a cause and that the cause must vanish before the effect can be produced—in which meaning dialectic must and will continue to function in a classless society as well as in the present class societies, or it has to be admitted that the dialectic would cease to function, an admission that would militate against its claim to universality, in the communist society

# PUBLIC AND BUSINESS ADMINISTRATION

BY

DR E ASHIRVATHAM

*University of Madras*

Public administration, in one of its important phases, may be defined as an economic and efficient management of the affairs of government. If this be a correct view, we need to answer the oft-repeated charge that public administration is unbusinesslike. Those who advance this charge claim that while business administration concentrates authority and sees that the channels of communication between the organs of decision and the organs of execution are not clogged up, public administration is notorious for the diffused nature of the authority, for its slavishness to red-tape and routine, and for its general inefficiency. It is further said that in public administration there is no incentive to work, that appointments and promotions are often made on considerations unacceptable to business, that merit is seldom recognised in time, and that what governmental agencies do is usually done badly, at tremendous cost with little or no care to economy. Another charge levelled against governmental administration is that it is insensitive to the customer's needs, thereby losing not only considerable business, but also provoking the indignation of the general public.

In answering these and similar charges, it is well to remember that while the governing consideration of business administration is profit, that of public administration is service. Government is not primarily a profit-making concern. Even when it undertakes a large business enterprise such as the Pykara Hydro-Electric scheme in the Madras Presidency investing something like two crores of rupees in it and deriving a net return of 8.5% (for the year 1937-38) on the capital outlay, making huge profits is not its first concern. What it makes on one scheme, it may lose on another. The net return on the capital expenditure on the parallel Mettur Hydro-Electric scheme is only 2.3%. Even when Government undertakes business enterprise, it does not

aim at a large profit. During the first few years it has to deduct from the profit certain sums for interest and sinking fund charges, and the charges levied on the consuming public are just enough to cover the cost of rendering the service, including the cost of management. Bare cost plus depreciation charges is the guiding principle in the municipal or state supply of such essential commodities as water and electricity. If unexpected profit is made, it is "paid into the general treasury as a relief to the financial burden to be met by general taxation or (is) translated into improved working conditions of employees of its service, improved services to the public or reinvested in the enterprise"<sup>1</sup>. What a business concern often does when there is a surplus of earnings over expenses is to distribute it among the shareholders.

Once again, just when a business enterprise becomes a paying proposition government at times likes to dispose of it in whole or in part in order that it may be free to undertake new services for the public. Thus very recently there was a scheme under contemplation to transfer the management of the Pykara plant to private enterprise to be managed by a Board with officials and non-officials on it. The scheme did not materialise partly because of the immense financial and other responsibilities involved. If a private body is put in charge of the Pykara scheme and that body gets into financial difficulty the suffering to the public will be great. Such suffering on a smaller scale was caused to the people of Calicut when a private company supplying electricity failed. For some time people had to get on without electricity. In the case of government service even if there should be a breakdown of a tremendous scheme such as the Pykara scheme, the government has at its disposal immense resources to cope with it successfully.

The making of profit is so far removed from the calculations of a government service that when, as in the case of the Pykara scheme, a profit-making stage is reached, the retail supply of electricity in this case is transferred to the municipalities where it functions. Moreover, there are certain services which government has to render even if they involve financial loss—e.g., education.

<sup>1</sup> W. F. Willoughby *Principles of Public Administration*, p. 5

Private business, on the other hand, is so intent on making profits that in times of prosperity it charges not on the basis of cost-plus-reasonable profit, but on what the traffic will bear. The soaring prices of commodities during war time illustrate this point.

When a business enterprise extends its services, its guiding principle is that each service should pay for itself. Occasional risks may be taken in the hope of reaping big harvests later, but that is not the usual practice. Governments, on the other hand, pursue a more liberal policy. Necessary expenditure is incurred, even if it may mean large-scale borrowing and there is no immediate prospect of paying it back. The excess cost is spread over the entire body of citizens or over a large number of years. Private business, on the contrary, looks for immediate results, and, therefore, has no scruple to abandon an enterprise as soon as it ceases to be unprofitable, although it may be meeting a vital need of the people.

Even if the critics of government are willing to concede that social welfare is the primary consideration of public administration, we still have to consider the charge of inefficiency. When it is argued that business methods must be introduced into government service, especially at a time of emergency such as the present war, it must be admitted that there is a substratum of truth in it. When a private concern undertakes a business, it aims at producing the largest quantity of goods within the shortest time possible and at a minimum cost coupled with the quickest means of transporting the articles produced. This cannot be said to be true of government business as a rule even at a time of war. In a democratic state there are several constitutional checks which have to be taken into account before public money is spent. The scheme, as well as the money necessary to prosecute it, has to be sanctioned by the legislature and a great deal of red-tape is to be gone through before the scheme can be completed. All this means delay. Further, since no private profit is involved there is no incentive to industry or economy. Public money is spent carelessly in spite of the various checks designed to prevent it. The remedy for this state of affairs is to train a better class of public servants who will have the same regard for public property as for private. If nation-wide socialism is introduced at the present stage

of man's moral development, it is more than likely that both the quantity and quality of goods produced will suffer. But that in itself is not a sufficient reason to condemn socialism wholesale.

One of the possible ways of overcoming this difficulty under consideration is to give a bonus to government servants engaged in the running of business enterprise on the basis of the turn-over. The danger is that if the bonus is a considerable amount over and above one's salary, it may create an unhealthy competition among public servants for such posts.

Turning to the way in which appointments are made, it is not true to say that appointments to public employment are a matter of favouritism, while appointments to business careers are purely on the basis of merit. "Private business has no monopoly on virtue or on vice." It is nothing unusual for the son to succeed his father in business, however incompetent he may be. Favouritism is found in both kinds of administration. The tendency to favour friends and relatives in such matters as awarding contracts is present both in public and in private business. In countries like England and India where admission to public services is according to certain well-recognised rules and principles, such as one's rank in competitive examinations and competitive interview, it is not possible to fill up public posts with thoroughly worthless individuals. In the U.S.A., on the other hand, where several of the state administrators are still elected by the people and where the supreme executive has considerable patronage at its disposal, it is nothing unusual to see public pay rolls being padded with pensioners, party-workers, friends and relatives.

After recruitment, especially in the lower grades of service there is not much inducement to work hard and climb up high. What often happens in India is that a person recruited to a grade does the routine work of that grade till the time comes for promotion. When a person has to be considered for the post of a sub-magistrate, tahsildar or deputy collector, merit is taken into account, but there is no searching enquiry. The test applied is rather of a negative kind. If there is nothing against the person whose case is being considered he is promoted. Of two people of equal qualifications and approximately the same merit, the senior is promoted. The fact that

the superior officers in our governmental system in the Indian Provinces are subject to frequent transfer makes it impossible for them to make a thorough study of those under them before assessing their real value. The consequence of such failure is that there are more chances of promotion by favouritism in government service than in business administration. Further, not all superior officers have the capacity or inclination to study the relative merits and demerits of those under them, with the result that merit does not always receive its prompt reward in government service. In business, on the other hand, it pays in ready cash to promote men of real merit and put them in places where they can bring big returns to the enterprise in question. Merit can be judged much more readily. This is not the case in government service which is a co-operative effort. Many people contribute to a scheme or a piece of work and hence individual merit does not always stand out prominently. Work becomes impersonal. Bonus is one of the principal ways by which business seeks to promote efficient work.

The security of tenure which public servants enjoy is often regarded as retarding honest and efficient work. This is not a correct view. Public service is much better performed in countries where government servants enjoy security of tenure than in countries like the U S A where a good many posts even to-day are subject to the fluctuating fortunes of political parties. Even business to-day realises the value of security and tolerable prospects of promotion if good work is to be done, *e g*, the Burma Oil Company, Binny & Company, etc.

It is further said that the hours of work in business are much longer than in government service. There is some truth in this statement, but it must be remembered that long hours in business do not necessarily mean work of a highly intellectual character. Much of the work done is routine in nature. The ones at the top do a certain amount of thinking and even speculating, but the drain on one's mental resources is not so great as in the case of a superior public servant. It is true that in a government office one falls into a rut. Papers are often taken home, but the rule that ordinarily a paper should not lie on the desk for more than three days is a salutary one.

Another reason why public administration is said to be greatly inefficient is that it is not sufficiently sensitive to the needs of customers. In trade and commerce, if customers are not pleased there is loss of business, but not so in government service. For one thing, several of the services rendered by government are in the nature of monopolies, *e g*, the post office. If the customer is not pleased with the treatment given, he cannot go to a rival concern, because there is no such competitor. If there is a big rush of customers, business makes immediate arrangements to cope with the situation. But government does not usually do it, *e g*, petrol rationing and work of the registration department. One may have to wait for hours before one's needs are met. It does not always pay the government to employ extra help at a time when work is particularly heavy. It cannot afford to keep a large number of reserves to deal with extra work if and when it arises.

Not being sensitive to the needs of the customer, the public servant often develops a stand-offish attitude. He is far removed from the people. Even when he feels an instinctive fellow-feeling, he is obliged to suppress it lest people should take advantage of his goodness and prevent him from doing his work by approaching him with all kinds of requests and petitions. While his desire to get on with his work is laudable, it need not take the form of rudeness or lack of manners. One can be kindly and courteous and yet remain firm.

The oft-repeated charge that government wastes more money than private concerns in general is not altogether true. Glenon B. Winship, quoted in *World's Work* (May, 1932, p 27), says "A survey of the petrol filling stations in the U S A led to the conclusion that one billion dollars were invested in superfluous filling stations numbering 111,594. The useless stations and other duplication of equipment in the petroleum industry are estimated to cost motorists two cents for every gallon of gasoline purchased." In several industries money is wasted owing to lack of proper planning, cut-throat competition, and inefficient distribution. "Graft and spoils practices are not unknown in the realm of business."

To sum up the discussion so far, public administration is not necessarily less efficient than business



administration, although the motive power behind the two forms of administration is not the same Prof H Walker is right when he says "To assume that the technique which is successful in business will *ipso facto* succeed in government or *vice versa* is erroneous"<sup>2</sup>

A further difference between the two types of administration brought out by some writers is that private business enjoys a degree of privacy which is denied to public business This is more true of fully self-governing countries than of a country like India But even here public undertakings are subjected to careful scrutiny The salaries of public officials are printed and made available to anybody who is interested in knowing them Irregularities of administration are challenged on the floor of the legislative chamber All this is not true of business administration Many of the transactions of a company are conducted behind closed doors and while their successes are advertised widely, their failures are kept in the dark as far as possible

One other important difference between the two kinds of administration is that while business or industrial administration is as a rule concentrated, most departments of public administration are diffused Part of the diffused character of governmental administration is inevitable, especially when we have to deal with several authorities But the evil can be kept at a minimum by well-thought-out schemes of co-ordination and integration and by the removal of whatever clogs up the channels of communication between the organs of decision and those of execution

Sir Josiah (later Lord) Stamp has drawn attention to four main principles of difference between public and private administration These are (1) the principle of uniformity, (2) the principle of external financial control, (3) the principle of ministerial responsibility, and (4) the principle of marginal return The first principle lays stress on the importance of consistency in public administration While a businessman in many cases can decide on the basis of merit, a public administrator should conform to previous administrative rules and decisions on related subjects He should apply all rules and regulations uniformly to all individuals A

---

<sup>2</sup> *Public Administration in the United States*, p 17

business manager, on the other hand, is not tied down to the same extent. The second principle arises from the fact that in the modern democratic state the executive power does not possess control over finance. Such complete divorce between finance and administration is not known in the business world. A public servant, unlike the businessman, is given no opportunity to balance his losses against his gains. The third principle which is the principle of ministerial responsibility is not found in the business world, while it is fundamental to governments based on the British model. The principle of marginal return is paramount in business but is wholly foreign to the civil servant.

# JURIDICAL BASIS OF INTER-STATE RELATIONS

BY

PROFESSOR T K SHAHANI,

*Samaldas College, Bhavnagar*

## **I. Antithesis of 'Law' and 'War': mankind is generally juridically minded.**

As far back as the recorded history of man can go, more often than not he will be found to have based the relations of his group with other groups on amicable understandings and accommodation which, in modern language, would be called customary law and conventions. The relations of primitive groups having been mostly confined to groups of the same race, religion and language, the settlement of differences among them by wise and moderating councils was not an unfrequent phenomenon. When war, somehow, did break out in their midst, it was something in the nature of a disease or a calamity causing destruction of one's own. The glorification of war, the stimulating of the fighting spirit, the cultivation of patriotism and devotion to the ruler to which conventional history gives undue prominence were mostly visible in the group's relations with foreigners who were generally regarded as enemies, and, therefore, fit objects for destruction or exploitation but territorial conquests and expansion of dominions, though casting a fleeting glamour on the scene, were not without a tale of woe even for the conqueror or his progeny or for the whole conquering race. Well was it said of Ashoka that after witnessing the slaughter of many precious human lives on both sides on the battlefield of Kalinga he swore never again to wage a war of conquest and of Noshirwan the Just it is said that he built a magnificent palace but the square in front of it was irregular in shape, the reason of which was that an old woman owned the adjacent land which she refused to sell at any price, and the King would not take it—by force—"that irregularity being more beautiful than the perfect square" (Masudi). Where considerations of humanity or justice were not forthcoming, the simple

process of multiplication of points of contact with the foreigners through commerce and culture easily brought about mutual understandings,<sup>1</sup> and the normal life of a group or a state came to be more and more associated with peaceful settlement of disputes based on law, in other words, on a fairly well-known code of co-ordinated behaviour. Despite the fervour of the bard and the promises of a place in heaven offered to the fallen hero, war was considered an aberration from the healthy working of a body politic even as a disease that may for a while afflict a sound human body and suspend its operation. War could not, rightly, be a part of the Law of Human Societies. It is a negation of law—a defiance of Law. For war is nothing but ‘self-help’<sup>2</sup>. It can never come under any set of Rules and Regulations and accept a chance of being defeated of its object. By its very nature it can stick at nothing. The expression ‘Laws of War’ obviously suggests an antithesis and awaits an early expurgation from the contents of International Law. The history of Inter-Group and inter-state relations from very remote times lays bare the fact that mankind emerging

<sup>1</sup> Refer to Sir Norman Angell occurring in different forms in his readable books *The Great Illusion*, *Preface to Peace*, *The Unseen Assassins*, etc. We must recall the famous analogy of the two cannibals of old wanting to eat each other finally preferring to come to mutual understanding to cooperate and pluck coconuts from the palm trees that were nearby and thus satisfy their hunger.

<sup>2</sup> Westlake accepts the definition of Grotius that war is the state or condition of governments contending by force (*International Law*, Part II, War, page 1). Westlake on page 4 adds “when war enters on the scene, all law that was previously concerned with the dispute retires, and a new law steps in directed only to secure fair and not too inhuman fighting. Oppenheim says “War is a contention between two or more states through their armed forces, for the purpose of overpowering each other and imposing such conditions as the victor pleases. It is universally recognised that war is a contention, *i.e.*, a violent struggle through the application of armed force,” p 160, Vol II, *International Law* (1940) edited by Lauterpacht. Fenwick, p 443, *International Law*, revised edition. “As a method of procedure by self-help war consists in the employment of force to reduce the offending party to submission. Fenwick adds on p 444 “the development of the Laws of War as between the belligerents themselves was greatly furthered by the more effective assertion by third parties of their rights of neutrality. The precariousness of those rights can now be easily realised.

from barbarism has been generally juridically minded and has welcomed settlement of disputes by arbitration based on an accepted system of International Law

## II. The Genesis of International Law.

Law has been defined as "a body of rules for human conduct within a community which by common consent of this community shall be enforced by external power"<sup>3</sup>. The word external is explained as external to the person against whom they are enforced, *i e*, the parties to the dispute must accept the third party judgment,<sup>4</sup> for the purpose of upholding the recognised norm of co-ordinated behaviour by enforcing rules of peaceful social life, then truly International Law is Law *par excellence*. The imponent of Law in the shape of a visible tangible Sovereign Power is, indeed, not there, but that kind of Law-giving Authority is not essential for the existence of Law. A rule is a rule of law, if by common consent of the community it can be enforced, and as Fenwick says, "Law can grow without being expressly laid down and set by a law-giving authority"<sup>5</sup>. Looked at from that point of view, International Law is purely the product of inter-group and inter-state understandings which have grown with the growth of contact between the individual members or bodies of members of one state and those of other states. In substance, it represents a standard of conduct to which states as moral persons are obliged to conform. Its promptings are to be traced to human reason and human nature, to what seemed to man to be the most natural or proper thing to do. Natural Law may be justly said to be the parent of international law. Man's conscience which is the best regulator of his conduct found a free play in the development of practices which, in course of time, became customs and conventions governing inter-State relations. For centuries it remained un-written though, even in its

<sup>3</sup> Oppenheim's *International Law*, Vol I, 5th ed (peace), p 9

<sup>4</sup> Oppenheim's *International Law*, Vol I, 5th ed (peace), p 8

<sup>5</sup> Fenwick adds, "law expresses the collective judgment of the whole community as applied to the disputes of the individuals and the collective will of the community as applied to the protection of rights and the fulfilment of obligations," p 3, *International Law*, by Charles G Fenwick (Century Political Science Series)

early stage, History records in several parts of the civilized world, reference to inter-state arbitration and juridical settlement which, obviously, would be meaningless if there did not exist a juridical basis for international arbitration. No doubt, as has happened to the growth of municipal, *i.e.*, (National) law, everywhere weighty pronouncements of arbitrations and also the commentaries of learned jurists gave a form and a structure to the floating and amorphous ideas relating to international customs. But, all along, a very substantial addition to this law continued to come from the making of treaties of a pretty general nature, *e.g.*, *consolato del mare* of the 15th century which in a way safeguarded the interests of the neutrals under conditions of maritime warfare.<sup>6</sup> Though these treaties were made by Sovereigns and Princes they were really worth nothing if they were not wanted and actively supported by Public Opinion. A general acceptance of this sort gave to International Law all the character of Positive Law, though there was no particular Law-giving Authority behind it in the shape of a tangible and visible Austinian Sovereign. Essentially made by groups of people, International Law is the law of a very wide community transcending the boundaries of a State or Christendom.<sup>7</sup> Its sphere widens with the growth of inter-community relations. It gathers strength when at critical junctures, it triumphs over narrow 'group' or 'national' outlook which measures *all* life in terms of nation—State.<sup>8</sup> Bentham explained it as "Law Between Nations" and therefore to what was formerly called the Law of Nations he gave the title "International Law"

<sup>6</sup> *Vide Indian Political Science Journal*, Oct. 1942, p. 145  
 'Place of treaties in International Law' by T. K. Shahani

<sup>7</sup> Most of the European writers, *e.g.*, Oppenheim have found in 'Christendom' the origin and growth of modern International Law. Turkey, they said, was admitted within the fold only in 1851. As contrast see the view of Emerie Croce on page of this paper

<sup>8</sup> The present situation of the world is that kind of critical juncture when German writers and rulers have stressed national conceptions of International Law, of an International law of coordination of states built on the principle of racial consanguinity or again when writers in Soviet Russia denied for a time the possibility of a permanent and general International Law. Oppenheim, p. 50, Vol. I, *International Law*, 5th ed.

He took his stand on the point that there was no Power *above* Nations to enforce it. But he was also perhaps the foremost writer of modern times who saw in Public Opinion the best sanction for the enforcement of International Law.<sup>9</sup>

### III. Fictions of International Law.

Like every other system of law International Law has fictions which have become its *causa sin qua non*

(a) The person known to this law is not the individual member of a nation but the state of which that individual is a national. The state stands for the individual in the matter of his rights or duties relating to his transactions with the nationals or governments of other states. The Government of the State upholds the claims or stands responsible for the liabilities of its nationals. The State or the nation is the juridical person in International Law. This fiction has the sanction of convenience which creates an independent individual, a corporation or moral person as is known in the civil law—out of the whole body of the citizens of a country.<sup>10</sup> And in any settlement of disputes relating to the life, liberty, property, contractual claims, etc., primarily referring to its nationals, the agents or counsels of the State endeavour to obtain satisfaction from the other state, and if successful, pass it on to its own national according to the award of its national court. The reader will easily recall Lord Palmerston's airy reference to '*Civis Romanus*' and Britain protecting its citizens all over the world, in the almost groundless case of Don Pacifico against the State of Greece which this aggressive Foreign Minister, actually made a *causus bellum* against Greece, but when by the kindly intervention of France, the case was determined by an international arbitral tribunal, the award given to Don Pacifico for his claim of £21,295 was only £150.<sup>11</sup> The central American Court of Justice which was the result of the convention signed on December 20, 1917 did, indeed, make a provision for an individual national to make a direct claim against any other State that had become a

<sup>9</sup> See the views of Bentham, Ladd, and Jay in this article

<sup>10</sup> Ralston, *International Arbitration from Athens to Locarno*,  
p 8

<sup>11</sup> Ralston, p 228

party to this agreement, the claim was based on "the violation of treaties or conventions, and other cases of an international character no matter whether their own government supported the said claim or not provided that the remedies which the laws of the respective countries provide shall have been exhausted or that denial of justice shall have been shown"<sup>12</sup> This was a short-lived agreement its Arbitral arrangement ended in 1917 Thus in the inter-state juridical relations so far, the individual national of a State has no legal position Juridically he is absorbed in the State The same is the position of any the biggest corporation within a State or even of an international body, *e g*, the international Postal Union Under the post-war reconstruction the individual national's position should come in for a revision if the judicial basis of inter-state relation is reassessed There are favourable indications of it While Oppenheim categorically maintained that as the Law of Nations was based on the Common consent of Individual States, "States only and exclusively were the subjects of International Law," a number of other writers, *e g*, Kelson and Krabbe recognise the limitations of that Principle Lauterpacht in his fifth edition of Oppenheim's *International Law* elucidates this point of limitations, "when we say that International Law regulates the conduct of States we must not forget that the conduct actually regulated is the conduct of human beings acting as the organ of the State"<sup>13</sup> Westlake said, "The duties and rights of States are only the duties and rights of the men who compose them"<sup>14</sup> In the Advisory Opinion concerning the jurisdiction of the courts of Danzig, the Permanent Court of International Justice very expressly recognised that "the State may directly grant to individuals direct rights by treaty" It is true that Act 34 of the Statute of this court says, "Only States or Members of the League (also States) can be parties before the Court," and yet taking a realistic view in the case mentioned above the Court said, "It cannot be disputed that the very object of an international agreement, according to the intention of the contracting parties, may be the adoption by the parties of

<sup>12</sup> Ralston, p -240

<sup>13</sup> Oppenheim, *International Law*, Vol I, 5th edition, p 20

<sup>14</sup> Westlake's *Collected Papers*, p 78



some definite rules creating individual rights and obligations and enforceable by national Courts<sup>15</sup>

(b) Another notable fiction in International Law is the principle of the Sovereignty of States, great or small, whereby the State refuses to accept any inter-state decision to which it is not a party by a clearly expressed ratification of the instrument conveying that decision. To what extent that principle has affected the strength of the juridical basis of the inter-state relations will be seen as we proceed along in this paper

#### IV. Close relations between Municipal and International Law.

Making due allowance for the interposition of the fictions mentioned above, the jurists are still generally agreed that the principles underlying the Law of Nations are not different from those on which the national (municipal) law of all civilised States is based. Behind both the municipal and international law stands ultimately the moral man who makes the moral state and aims at making the moral inter-state world. It stands to reason that the group or the community used to moral and legal bindings within the State would look for the application of exactly the same bindings in external relations with other state communities. "Nearly all the so-called international questions are simply national questions viewed from another stand-point and offer little that is novel to the experienced lawyer"<sup>16</sup>. It is sometimes said that different countries have different systems of law, and therefore International Law would be hard put to it to reconcile the varying systems of the disputant states and then administer justice. As against this view Judge Riddle has made a famous statement that there is no radical difference, for instance, between what is called the Common Law system said to be peculiar to Anglo-American people and the law of Justinian by which most of the European countries have been influenced. "In nine hundred and ninety-nine cases out of one thousand, the decisions and the principles on which decisions are based will be precisely the same. There is no great difference between the laws of the

<sup>15</sup> Oppenheim, *International Law*, Vol I, p 21, footnote 3

<sup>16</sup> Ralston, *International Arbitration from Athens to Locarno*, p 82

civilised nations if you leave aside the accidents''<sup>17</sup> Whatever may be the difference of opinion on this point the Statute of the Permanent Court of International Justice (1922) has made sufficient provision for the representation on the Bench of the different systems of law, as will be seen when the constitution and working of the Permanent Court are discussed in the latter part of this paper. At this place it may be simply noted with interest that although Municipal Law has often assisted in the growth of International Law, the status which the latter has now attained is such that in the case of difference between the two, the municipal law gives way to the International, "When the President or the Secretary of State on the demand of Foreign Nations, invoking a rule of international law, releases an alien from the military service or releases a prisoner seized outside the three-mile limit and thereby in effect overrules a statute of Congress and a supporting decision of a municipal court, he is acting as a societal agent of the American people and State in recognizing the binding character of international law as law in the United States and everywhere else. When foreign nations refused to permit Russia and Japan to make foodstuffs contraband or in other respects to violate the rights of neutrals, they were invoking international law as a rule of law superior to any contrary rule of municipal law''<sup>18</sup> "In the United States the principle that International Law is part of the law of the land has been adopted even more clearly. For according to the practice of the United States customary as well as conventional International Law overrule previous Municipal Law, provided, apparently, that they do not conflict with the constitution of the United States''<sup>19</sup> Perhaps it may be reasonably presumed that a conflict between the two may never exist. As the Law of Nations is based upon the common consent of the different States it is improbable that a civilised State would intentionally enact a rule conflicting with the Law of Nations''<sup>20</sup> If the Municipal

<sup>17</sup> Ralston, *International Arbitration from Athens to Locarno*, p. 82

<sup>18</sup> Dunning, *Political Theories—Recent Times*, p. 128. E. M. Borchard, *Political Theory and International Law*

<sup>19</sup> Oppenheim, *International Law*, Vol. I, Peace, p. 38

<sup>20</sup> Oppenheim *International Law*, Vol. I, Peace, p. 41

Law has anywhere lagged behind the International Law the Municipal Courts would presume that "the rules have been tacitly adopted by such Municipal Law" <sup>21</sup> "For an affirmation of the superiority (apparently in the international sphere) of International Law over conflicting constitutional provisions, Dr Lauterpacht quotes the advisory Opinion of the P C I J of February, 4, 1932, in the matter of the treatment of Polish Nationals of Danzig pointing out that a State cannot adduce against another State its own constitution in order to evade obligations incumbent upon it under International Law" <sup>22</sup> The record of Great Britain is in this respect clear and consistent Said Blackstone long ago that 'The Law of Nations is part of the law of the land' "Since the World War a number of countries have expressly adopted in their constitutions the Anglo-American doctrine of International Law being part of the law of the land" <sup>23</sup> In practice, all the civilised governments are legally and morally bound by International Law Violations, especially during war are frequent "But the offenders try to prove that their acts do not constitute a violation The States even in breaking the Law of Nations never deny its existence" <sup>24</sup>

#### V. Juridical aspect illustrated from International Arbitration in Ancient History.

Law,—Municipal and International, has, through ages, made the most substantial contribution towards placing men's relations within and without the State on the basis of peace and Prosperity <sup>25</sup> The triumph of

<sup>21</sup> Oppenheim, *International Law*, Vol I, Peace, p 42

<sup>22</sup> Oppenheim, *International Law*, Vol I, Peace, p 41, footnote 2

Borchard, *Political Theory and International Law*, p 130 in Dunning's *Recent Theories*

<sup>23</sup> Oppenheim, *International Law*, Vol I, Peace, p 39

<sup>24</sup> Oppenheim, *International Law*, Vol I, Peace, pp 14-15

<sup>25</sup> "As men naturally appeal from force to justice, they oppose the idea of the state as justice to the idea of the state as power Justice is concerned primarily with the things that divide the juridical ideal was historically the most serviceable conception in the conflict against the power, claims of the established state," MacIver, *The Modern State*, p 427

Law over violence within the State again and again suggested recourse to International arbitration—a juridical process based on what was understood to be the prevailing International Law. It seems that from the very remote past the civilised world has often resorted to arbitration in preference to war and has also directed the best of thought and industry of its talented jurisconsults to the production of writings which have materially strengthened the juridical basis of Inter-State relations.

It is true that International Law gets its modern structure with the formation of nations and national States in Europe from the beginning of the 16th century and it is also true that the form and contents given to the floating ideas relating to the inter-State relations as well as the elevation of the same to the status of Law implying enforcement of these practices by the common consent of nations was largely the work of writers headed by Grotius (1648).<sup>26</sup> But centuries before that era wherever cultured or civilized people and their States made history, they left indelible mark of their insistence on arbitral awards in inter-State disputes with a view to keep war at a distance. The record of that judicial settlement seems to be fairly full. Obviously the judges and arbiters giving a judicial award could not have based their decisions on anything but the Law of Nations as it was then known to be.

(a) Ancient Greece —“The existence of arbitration bearing an international character depends in some degree at least upon principles of law, or through it should come the development of principles of international law, where arbitrations have been shown, the existence of international law in some way or other is recognized. Thus, when we are told by Reader that history and epigraphical researches show that there were at least eighty-one arbitration between Greek towns, of whose existence we have more or less complete evidence, we must believe that there was such a thing as international law among the Greeks.”<sup>27</sup> To the Greek mind arbitration seemed to make such a strong appeal that they made their very gods resort to this amicable method of settling

<sup>26</sup> Oppenheim, *International Law*, Vol I, 5th ed., Chap II

<sup>27</sup> Ralston, *International Arbitration from Athens to Locarno*, p 154

their disputes Thus Poseidon (Neptune) and Helios (Sun) both laid a claim on Corinth which was settled by the award given by Briareus according to which the realm of the waters of Corinth was assigned to the Sea-God Neptune and the hill of Corinth was marked out for the regime of Helios, the Sun-God<sup>28</sup> Athens and Sparta, the two leading rival states of Greece which were oftentimes at loggerheads, had, at least on two occasions (B C 444 and B C 421) entered into treaties by which they foreswore war and agreed to accept arbitration for the settlement of any dispute<sup>29</sup> In ancient times State frontier and boundaries formed almost the prevailing subject of inter-state disputes which were not infrequently settled by arbitration, the referee being either a third town or a number of judges generally selected by lot ranging from as many as six hundred to one hundred or to the more normal figure of five or the still more normal figure of three Generally the terms of treaties for arbitration included what is, in modern practice, known as compromisory clause, whereby the arbiters were at liberty to proceed with attempts at Conciliation which naturally involved some compromise on both sides Conciliation failing, judicial proceedings were instituted to give an imperative judicial award The incorruptibility of judges as well as the production of all possible evidence of witnesses, documents, records, and archæology and the proper presentation of the case on both sides would give to the award an inviolable sanctity The violation of international law was thus freely punished by judicial method and the punishment, with or without protest, was accepted "International arbitration has its origin and has found favour among nations devoted to free institutions and in times when intellectual culture flourished, while, on the other hand, it remained unknown to barbarous nations or has proved incompatible with the conditions essential to despotism and the pursuits of conquering people"<sup>30</sup>

<sup>28</sup> Ralston, *International Arbitration from Athens to Locarno*, p 153

<sup>29</sup> Ralston, *International Arbitration from Athens to Locarno*, p 157

<sup>30</sup> Gennadius, *A Record of International Arbitrations*, *Broad Views*, 1904, p 133, as quoted by Ralston

(b) Ancient Rome — People aiming at domination can make scarcely any contribution to the growth of arbitration which essentially postulates amicable settlement between equals based on what the Law will give. Law is no respecter of persons. The great State and the small State are equal in the eye of Law. The Romans in their struggle for power used diplomacy no less than arms and when they became an imperial power, the Roman Senate arbitrated between the chiefs and republics in Greece, Syria, Asia Minor and the mediterranean littoral. As a rule, this function was delegated to a Roman envoy whose award was to be ratified by the Senate. Not all those envoys earned the reputation of unimpeachable conduct. Rome as arbiter in the quarrels of small powers was conscious of the might of its arms that would compel the disputants to accept its award. What the Imperial Rome did in this matter was no contribution to inter-state juridical relations in-as-much as the Roman sword was felt to be ultimately more impressive than the Roman view of International Law and Justice <sup>31</sup>

## VI. Inter-State Arbitration in the Middle Ages.

After the fall of the Roman Empire the Dark Ages frankly made the sword the arbiter in disputes regarding territorial claims, and yet, in the midst of this frequent clash of arms there was the shining example of Theodoric, the King of Ostrogoths who succeeded in persuading Clovis, the King of Franks, to accept arbitration of a council of kings in preference to war against the Visigoths <sup>32</sup>. The rise of the power of Papacy indeed put a check on warfare by tabooing war as 'unchristian', the only reservation in its favour being a Crusade against the Moslem but the Papacy claimed Sovereign Power and started giving law to Europe both as the legislature and the interpreter of its own laws backed by the terrible 'sanctions' of ban, excommunication and interdict. In that atmosphere, there could be no room for arbitration as this judicial process is understood to be and it is a fact

<sup>31</sup> Ralston, pp 172-3, quoting Reader and Phillipson *The International Law and Custom of Ancient Greece & Rome*, II, p 164

<sup>32</sup> Merignhac, quoted by Ralston, p 174

of history that even in the middle ages, 'as the political force of the Papacy lessened, law came forward and the Pope became a true arbitrator when he ceased to be a superior whose findings were incontestable,' as may be seen from the Pope's arbitration in two cases—, the one between Philip the Fair of France and Edward of Engalnd (1298), the second when John XII arbitrated between Philip Le Long and the Flemings (1319) '33 The Italian Communes of that age—mostly republican in form had frequent recourse to judicial settlement of their disputes but in Italy in the era of absolute monarchies, arbitration became rare The Hanseatic League of Germany agreed to resort to arbitration in all disputes among the members of the League and outside (1418 A D ) The union of the cantons of Uri, Schwytz and Unterwald of Switzerland made the following provision—"If any difference should arise between the confederates the wisest men among them will intervene by arbitration to appease the difficulty as it may seem to them suitable, and if one or the other of the parties violate their sentence, the other confederates will declare themselves against him "34

## VII. The activity of the Theorist in the interest of International Arbitration.

With the formation of well-knit nation-states of modern History, rivalry for the possession of riches and power in and outside Europe made large-scale prolonged wars a recurring phenomenon but even this era of national enmities and of the Balance of Power, though not a fruitful field for peaceful judicial settlement of interstate disputes, was not without some notable instances of arbitration treaties, *e g* , "differences

between France and Spain at the time of the Peace of Nimeguen, 1678, were referred to the States General of the United Provinces "35 The Treaty of Westminster of 1655 restoring harmony between France and England stipulated in article 24 (probably because of the preference of Cromwell) that the Republic of Hamburg should fill the part of final arbiter between the two parties to

<sup>33</sup> Ralston, *I A from Athens to Locarno*, p 176

<sup>34</sup> Sax, *Histoire de l'arbitrage international permanent*, 7

<sup>35</sup> Kamarowsky, *Le Tribunal International*, 185, quoted by Ralston, p 184

determine damages suffered on one part or the other after the year 1640 <sup>36</sup> The agreements of the Swiss Cantons referred to in the preceding paragraph were carried out in Switzerland from the fifteenth century to the French Revolution by submission to the judges of the conflicts of the Cantons, whether among themselves or with neighbouring powers <sup>37</sup> The Napoleonic high-handedness had, however, to do its worst with the world before the conscience of mankind could be thoroughly reawakened to go to Law as the arbiter for inter-State disputes

### THE WRITERS

(1) While the custodians of the States generally lived down by accepting the primitive conception of States being in "a State of nature" (Hobbes) in regard to inter-state relations, the juriconsults and the philosophers continued to make a praiseworthy contribution towards strengthening the Rule of Law among nations. Indeed, few of them were heard,—still fewer could, in any way, influence the policy of Princes and Cabinets and according to Ralston, but for the curiosity and industry of latter day antiquarians who may be said to have literally unearthed them, their names and their work would never have come to light. Doubtless, they live in History. The Frenchman, Pierre Dubois had so long ago as in 1307 advocated the establishment of a general council nominated by the various European States from which council three judges and three ecclesiastics might be chosen to form a board of arbitration to settle disputes of any nature among independent States, with the Pope as the final referee in case the arbitration board could come to no clear agreement. He suggested immediate drastic penalties—a confiscation of all goods. "His arbitration proposals were definitely forward-looking in character and, if they could have been developed, might have been of distinct service in quickening the slow movement toward the substitution of law for violence in international relation."<sup>38</sup> Pierre Dubois is rightly remembered as a

<sup>36</sup> Ralston, p 184, quoting from Merignhac, p 36

<sup>37</sup> Ralston, p 185, quoting from Revon, p 149

<sup>38</sup> Russell, *Theories of International Relations*, p 110



pioneer in the field of thought relating to International justice

(11) The Renaissance and the Reformation period showed two opposing currents in thought. While Machiavelli in Italy and Bacon in England upheld the doctrine of State as power—even an imperial power—for which the backing of arms no less than of good national laws mattered the most for its preservation as well as for the extension of its power, the great humanist of the North—Erasmus spoken of and the “Voltaire of the Renaissance” hated war and strenuously advocated judicial settlement of disputes after negotiation and mediation had failed. “His denunciation of war was on the ground of stupidity as well as its wickedness.” Said he, “Nature arms all animals with the exception of man. The latter alone depends upon the help of others of his kind, he is made for mutual aid and friendship, and war is the negation of all that is human. It is, therefore, made by man rather than foisted upon him by Nature. Man suffers from innumerable afflictions not of his making, and beyond his control—earthquakes, floods, etc. Why should he introduce yet another calamity of his own volition?”<sup>39</sup> The arbitration board that was in his mind was a sort of mixed tribunal of lawyers and ecclesiastics as was the idea of Dubois. He did not want treaties of alliance, as he thought they were nothing but war measures designed to serve the selfish ends of the parties. That age had no place for a humanist—not even one of the genius of Erasmus! Pierre Dubois, of course, had sunk in oblivion. Machiavelli and Bacon influenced the statesmanship of the day. The nation-states having thrown off the restraints of the Church and the Empire, were now a law unto themselves; if diplomacy could not settle inter-state disputes, war was the only alternative—and a successful war inevitably led the way to imperialism.

### THE 17TH CENTURY WRITERS

·(c) 17th century —Grotius, Croce and Sully

The Divine-right monarchy of the 17th century implanted on vigorous nation-states admitted neither in

<sup>39</sup> Russell, *Theories of International Relations*, p. 128

theory nor in practice a superior on earth—temporal or spiritual, legal or political. The idea of the monarch and his state being above law was, however, fearlessly combated by jurists who believed in the unity of the human race which was governed in its inter-states relations by the law of nature—as expressed by God in human conscience and human reason. One of them Victoria by name, though a Spaniard, had no hesitation in condemning Spanish acquisition of territory from the West Indians as unjust. The Law of Nations was to be based on the Law of Nature no less than on the customs and practices that communities were always having in their mutual intercourse. (a) Bodin—the Frenchman who strenuously upheld the theory of Sovereignty had no hesitation in declaring that the King was not above the law of nations. (b) Suarez (a Spaniard), Gentilis (an Italian) and Grotius (a Dutchman) all made a great contribution to giving a form and a text to International Law. Grotius, indeed, while conceding to a just war a place in human affairs referred to other methods of ending international quarrels, particularly arbitration, for which he needed three essentials: (a) Christian Powers, (b) those who have no interest at stake may settle the disputes of others, and (c) “Steps to be taken to compel parties to accept peace on fair terms” (Section VIII, *De jure Belli Bk II*). Dubois had said the same thing.

### EMERIC CRUCE

(d) The most commendable plan for International organisation proceeded from an acute Frenchman Emeric Cruce (1590-1648) who published his work in 1623 under the title of *Le Nouvean Cynee*.<sup>40</sup> The author was

<sup>40</sup> Russell in his book *Themes of International Relations*, p. 163, explains this title. Cynee an orator and a diplomat in the court of King Ptolemy asked him what he intended to get out of his proposed conquest of Rome. The King answered he would then take Sicily and so on till he had conquered the whole world. Cyneas asked “When we have conquered all, what are we to do then?” The King answered “We will take our ease and be merry.” Then said Cyneas, “And what hinders us from drinking and taking our ease now, when we have already those things in our hands at which we propose to arrive through seas of blood, through infinite toils and dangers, through innumerable calamities, which we must both cause and suffer?” The answer

convinced of the interdependence of States "human society is a body, all whose members have a common sympathy so that it is impossible that the sickness of one shall not be communicated to others According to Cruce "his little book contained a universal policy, useful to all nations alike and agreeable to those that have some light of reason and sentiment of humanity ' To him, earth was a city common to all "What a pleasure it would be, to see men go here and there freely, and mix together without any hindrance of country, ceremonies, or other such differences, as if the earth as it really is, is a city common to all "'<sup>41</sup> Freedom of commerce and uniformity of weights, measures and monetary systems would give prosperity to all but they could not be achieved without the establishment of universal peace among the nations Therefore there should be the complete eradication of war "Cruce rejected the assertion that wars could never be eliminated between peoples widely separated by Geography and culture, for there was among all of them "the similarity of natures, true base of amity and human society Why should a Frenchman wish harm to an Englishman, a Spaniard or a Hindoo? I cannot wish it when I consider that they are men like me, that I am subject like them to error and sin and that all nations are bound together by natural and consequently indestructible tie, which ensures that a man cannot consider another a stranger, unless he follows the common and inveterate opinion that he has received from his predecessors "'<sup>42</sup> But peace must be organised A neutral city like Venice should be selected for a regular assembly of the ambassadors of different countries, which assembly should pass judgment in a matter of dispute between nations after hearing the arguments of the ambassadors of the contending nations All matters of dispute were to be referred to this assembly Cruce made no reservation and the question was to be settled by vote of the majority The Princes were to swear that they would accept the decisions as "inviolable law " Cruce had, in

of the king is not recorded [T W Balch, *Emeric Cruce* (Philadelphia, 1900), notes 39, 40 ]

<sup>41</sup> Russell, *Theories of International Relations*, p 165

<sup>42</sup> Russell, *Theories of International Relations*, p 165

reserve, even the application of force against the law-breaker "If anyone rebelled against the decree of so notable a company, he would receive the disgrace of all other Princes, who would find means to bring him to reason"<sup>43</sup> Further, Cruce aimed at universal peace in which he wanted all the States of the world to come in, Persia, China, Ethiopia, the East and the West Indies, as navigation had remedied the inconvenience of distance, and, he said "for such good object, one must not refuse a long voyage" Cruce's predecessors in this line, for instance, Dubois had excluded the Turk—the Moslem—and had even recommended war against the infidel This was far from Cruce's plan who not only wanted to bring the Turk in, but to give the Emperor of the Turk a place of honour second only to that of the Pope, while the 'Christian Emperor' was to have the third place" Lastly, while suggesting the Political *status quo* regarding boundaries, etc., to prevent further wars, he was not without proposals for peaceful change (one would be reminded of the article 19 of the Covenant of the League of Nations) that if the prince felt aggrieved he might present the case to the other "if he has some things to complain of, let him address himself to this great assembly, as to the most competent judge that can be imagined This is the principal way of establishing universal peace, and upon which all the others depend It is in this way that a beginning must be made"<sup>44</sup> Centuries later by instituting a Permanent Court of International Justice the World achieved what Cruce had advocated so long ago as in 1623 He preferred to play for the verdict of history rather than for an immediate triumph for the Princes of his time were not likely to come under this compulsory arbitration scheme In concluding his appeal for a peaceful world he only said that "some few who read this little book will be grateful to me for it and will honour me with their remembrance" Nothing that came before or after Cruce's work could in any way stand comparison with it

(e) For instance, the Great Design Henry IV of France (really the work of his famous minister Sully), intended to establish a Union or the Confederation of powers of Europe to restrain the ambition of Austria and

<sup>43</sup> Russell, *Theories of International Relations*, p. 168

<sup>44</sup> Russell, *Theories of International Relations*, p. 169.

to bring the Princes of Europe to seek the settlement of their disputes by amicable means in preference to settlement by war, proposed the confederation of the fifteen Christian powers of Europe from which the Sultan of Turkey was excluded (this was in marked contrast to the liberal scheme of Cruce mentioned above) In general, all matters were to be handled by the regional bodies that the great Design contemplated, but unlike Cruce's more thorough plan, the Design made no mention of judicial settlement and made no provision for sanctions against a recalcitrant member of the Confederation The idea of a European Confederacy did not materialise!

(f) William Penn—The famous Quaker reformer and philosopher after whom Pennsylvania of the United States of America is named put forth a notable scheme in his Essay towards the Present and Future Peace of Europe <sup>45</sup> He insisted on the Third-Party Judgment in case any dispute arose "No man is judge in his own cause," men gave up their state of nature and entered into civil society to give themselves life of peace based on justice So should states now come together by establishing a "General Dyet, Estates or Parliament composed of their representatives and draw up rules of justice, 'for sovereign princes to observe one to another'" Though a Quaker, Penn advocated the application of *sanctions* against the Sovereign who sought 'Remedy by Arms', "all the other Sovereigns, united as one strength shall compel the Submission and Performance of the Sentence, with damages to the Suffering Parts, and charges to the Sovereignities that obliged their submission" Penn did not propose to freeze the *status quo* A sovereign could lay his claim for a reasonable change before the "Sovereign Court" and have his case determined there Three-fourths majority was necessary for all decision Contemplating the possibility of an attack from a war-like state against peace-loving, law-abiding states he suggested measures of disarmament, *i.e.*, the confederation could order the reduction of the forces of any nation so that every sovereignty should have a small force To the objection that Sovereigns would not easily surrender their Sovereignty, Penn replied "they would remain as Sovereign at home as even they were," but they would not exercise Sovereignty over one

<sup>45</sup> Russell, *Theories of International Relations*, p. 175

another "and if this be called a lessening of their power, it must be only because the great Fish can no longer eat up the little ones and that each Sovereignty is equally defended from injuries and disabled from committing them" Penn had no tolerance for "the state of nature" in Inter-State relations!

(g) The Philosophers of the 18th Century —

"While Cabinets continued to wage war intellectuals posted up constructive theories of peace"<sup>46</sup> Enlightenment—the product of appeal to reason for the solution of all questions was the vogue of the 18th century to which even the warring Despots paid, at least, a lip homage. Besides the Bourgeoisie,—the middle class men of commerce, banking and industry had come into being. Internationalism based on ideas of common ties of humanity and freedom of economic intercourse suggested Pacifism as the only policy in Inter-state relations. The point almost uniformly made by all the 18th century philosophers was that if within the State Law and justice had made peaceful and regulated life possible, why may not the same operation of Law and Justice be seen in the relations between State and State? As the first was natural to man, so the second to the State which stood for man at his best. Thus spoke Abbe St Pierre (1658—1743) another Frenchman of note more indebted to the obscure Cruce than to any one else in his advocacy of judicial arbitration<sup>47</sup> followed by sanctions if the award given by a three-fourth majority was not accepted by one or the other of the disputants who would, in that case, be considered an enemy of the Society of Nations and against whom war would be declared. Abbe St Pierre's Project was endorsed by Rousseau<sup>48</sup> who asked for (1) the formation of a perpetual alliance between the contracting powers, meeting by plenipotentiaries in a regularly instituted Diet where all differences were to be terminated by arbitration or judgment, (ii) the *status quo* in the territorial arrangement, renunciation of all anterior pretensions,

<sup>46</sup> Baehm, 'Cosmopolitanism,' *Encyclopaedia of Social Sciences*, Vol IV, p 460

<sup>47</sup> A Project for Making Peace perpetual in Europe by Abbe Saint Pierre

<sup>48</sup> *A Lasting Peace through the Federation of Europe*, by Jean Jacques Rousseau. English Translation by C. E. Vaughan

future disputes to be determined by arbitration without violence being resorted to under any pretext, (iii) the violator to come under the ban of Europe as a common enemy, for instance, when he refused to execute any judgments, made warlike preparations, negotiated treaties contrary to the federation or took arms to restrict it or to attack one of the allies, (iv) all decisions to be arrived at by majority vote<sup>49</sup> Characteristically Rousseau added, "It would be essential that all the private interests concerned, taken together, should not be stronger than the general interest, and that everyone should believe himself to see in the good of all the highest good to which he can aspire for himself,"<sup>50</sup> and in the absence of spontaneous popular agreement, force would have to be used

(h) 19th Century Pacifists, Internationalists

Jeremy Bentham's *Plan for a Universal and Perpetual Peace* (written in 1781 and published in 1832) was a landmark for "the maintenance of pacification facilitated by the establishment of a Common Court of Judicature for the decision of differences between the several nations, although such Court was not to be armed with coercive powers" Bentham gave all importance to Public Opinion for, insuring the performance of judicial awards and placed force as the last among the sanctions of the orders of the Congress he planned<sup>51</sup> William Ladd an American author who wrote in 1840 an *Essay on a Congress of Nations for the Adjustment of International Disputes without Resort to Arms* similarly proposed "a Court of nations, composed of the most able civilians in the world, to arbitrate or judge such cases as should be brought before it by the mutual consent of two or more contending nations" Ladd, too, did not want physical power to enforce the laws of the international Congress or the decrees of the Court He said "even now, public opinion is amply sufficient to enforce all the decisions of the Court of Nations, and 'the schoolmaster is abroad,' and public opinion is daily obtaining more power"<sup>52</sup> Bentham and

<sup>49</sup> Ralston, *International Arbitration from Athens to Locarno*, p 121

<sup>50</sup> Russell, *Theories of International Relations*, p 193

<sup>51</sup> Russell, *Theories of International Relations*, pp 194—99  
Ralston, pp 122-23

<sup>52</sup> Ralston, p 123

Ladd were apparently the first great thinkers who recognised the world's public opinion as offering the surest sanction for the decrees of an International Court of Judicature. William Jay, another American writer, following in the footsteps of his father John Jay, the famous author of the Arbitration Treaty of 1794 between U S A and Britain, thought an important step towards the ideal could be taken if some one nation would set the others an example by seeking an all-inclusive arbitration treaty with a friendly state. He added that the United States being the best qualified State to undertake the experiment should insert an arbitration clause, for instance, in her next treaty with France,—the two powers “pledging themselves to submit to arbitration *all* disputes” where negotiations had failed, and then to agree to abide by the award of the arbitration tribunal. Jay thought that if a beginning was made with France, other nations would be gradually won over to the idea, and if the practice became universal, a Court of Nations would be easily established and “the nations would beat their swords into ploughshares and their spears into pruning hooks.” What would make nations accept this great obligation? Jay's reply was that “national interest” and “Public Opinion” were a sufficient guarantee. Would not people be able to see that the alternative was to face the hazards and calamities of war? Government violating the pledge to abide by the arbitration award and attempting war would “shock the moral sense of mankind” and therefore other powers would immediately interfere to enforce treaties and preserve peace. “Jay's confidence in the ultimate success of an appeal to reason and to the enlightened self-interest and aroused consciences of men was quite typical of the pacifist thought of his day.”<sup>53</sup> John Jay's idea of ‘stipulated arbitration’ appealed to Richard Cobden of England,—the great pacifist and internationalist who worked enthusiastically for an arbitration treaty between England and France. He believed that their example would be followed by other nations. Victor Hugo another great pacifist and internationalist in the course of his presidential address at the International Peace Congress held at Paris in 1840 said the following memorable words “A day will come when bullets and bombshells will be replaced by

<sup>53</sup> Russell, *Theories of International Relations*, p. 293.



votes by the universal suffrage of nations, by the venerable arbitration of a great Sovereign Senate which will be to Europe what the Parliament is to England, what the Diet is to Germany, what the Legislative Assembly is to France."<sup>54</sup>

### VIII. How Governments come back to Inter-State Arbitration.

In the latter part of the 19th century the voice of the theorist was scarcely heard on behalf of Inter-State Juridical relations. Aggressive nationalism and economic Imperialism held the field of thought and action. Racialism as seen in the pretensions to a claim for the domination of the supposed 'Chosen race' added to the restlessness of the times. Prussia's easy victories seemed to put a premium on war and militarism. There was increase in armaments and preparedness for war all round. The German Philosopher-Historian Trieschke unabashedly pronounced the sword as the arbiter in inter-State disputes.<sup>55</sup> The very nadir of Inter-State Juridical relations seemed to have been reached.

(a) The Alabama Incident—Anglo-American Contribution

Some relief, however, came from the activity of Anglo-American statesmanship. The Jay treaty of 1794 between U S A and England had pointed the way towards International Arbitration as the handiest means of settling Inter-State disputes and the Alabama incident of 1862 which might have resulted in a war between the North of U S A and England was amicably settled by the Geneva award (1872) given by arbitrators appointed for this purpose. War could be averted if there was a will to accept arbitration. A good example was thus set to Europe that was arming to the teeth. The Idea spread; U S A and England had recourse to arbitration again in 1892 on the Behring Sea Fisheries and then came the Venezuelan question where arbitration was accepted. France and England entered into a convention in 1901 agreeing to accept arbitration for all 'justiciable' disputes,

<sup>54</sup> Russell, *Theories of International Relations*, p. 304

<sup>55</sup> "Struggle for Rule of Law among Nations," by T. K. Shahani, *Bombay University Journal*, Vol. X, Part I, July 1941, pp. 28-29

U S A and France in 1882, above all the institution of Central American Court of Justice (1907) referred to on an earlier page popularised inter-State arbitration in America <sup>56</sup>

(b) The Hague Peace Conferences

PERMANENT COURT OF ARBITRATION

But all this was a bilateral arrangement. A world organization for arbitration was wanted to put inter-state relations generally on juridical basis. This want was supplied in a fair measure by the first Hague Peace Conference of 1899, followed by the second Hague Peace Conference in 1907. Mediation and good offices offered by a third State were now to be treated as its right and not to be resented by any stiff-necked power. When conciliation failed, arbitration, *i.e.*, a proper judicial settlement of disputes was to be resorted to. On this point, Mr Hay, the Secretary of State of the United States of America, said in 1899 "Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of Sovereign and independent States, whose duty it is to prescribe the rules of justice and impose penalties upon the law-less, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation."<sup>57</sup> To implement the platonic resolutions that were passed at the conference in favour of arbitration, a permanent Court of International Arbitration was set up at Hague. This was not exactly a court in the proper sense of the word with a fixed personnel, regular sessions, etc. A panel of judges representing the States that agreed to come within this arbitration arrangement was formed, and from that panel the parties to the dispute were to select judges for going into a particular case submitted for arbitration. To seek arbitration was voluntary, for the parties as sovereign States had first to come to an agreement that they would accept arbitration. As sovereign states they were not under any compulsion from an outside authority. Frankly, this was a concession made

<sup>56</sup> Ralston, Chaps. 18, 20 and 21

<sup>57</sup> Moore, *International Law and Some Current Illusions*,  
p. 98

to the principle of States Sovereignty which whether a fiction or a fundamental point in International Law still presents its forbidding look to the world. A mild attempt made at the Hague Peace Conference by Russia to introducing obligatory arbitration for pecuniary claims and interpretation of some kinds of treaties was defeated on account of the determined opposition of Germany.<sup>58</sup>

(c) International Enquiry Committee

An important innovation made by the First Hague Peace Conference of 1899 was the institution of International Inquiry Commissions intended to go into the investigation of facts relating to an Inter-State dispute. Its service was much appreciated when in 1904 the Dogger Bank incident had brought England on the brink of war with Russia. The ill-fated Russian Fleet on its way to the Far East to fight Japan had opened fire on a few fishing boats of England in the North Sea and caused casualties. British excitement to bring Russia to book was allayed when at the instance of France an International Enquiry Committee was appointed. Its findings were that Russian Officers in a panicky frame of mind had suspected the presence of Japanese torpedo boats and had therefore opened fire. No body was to be subjected to trial or punishment. Russia was, however, made to pay a handsome compensation (£60,000) for the loss of life and property suffered by British fishermen. By the award this enquiry committee gave as regards compensation it behaved as an arbitral board to which no objection was raised. Hershey, p 463, note 16.)

(d) The U S A Executive makes attempts to give impetus to International Arbitration --

(1) Taft-Knox Treaties. Resort to arbitration as provided for by the Hague Peace Conference resolutions could only take place when any two States in dispute could agree to do so and make use of the Machinery provided at Hague in the shape of the Permanent Court of Arbitration. This would need entering into treaties—bilateral or multilateral for making use of arbitration. Here the Government of U S A took the lead by concluding at Washington two agreements—one on August 3, 1911 between U S A and Britain and another between

<sup>58</sup> Hershey, *Essentials of International Public Law and Organisation*, p 461

U S A and France—commonly known as Taft-Knox treaties by which (Art I) all future differences between the contracting parties, not adjustable by diplomacy and involving a "Claim of right" and being "Justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity" were to be submitted to arbitration. The Senate of U S A is proverbially conservative and isolationist. It is "the graveyard of all good projects" as Hershey calls it.<sup>59</sup> These treaties went up to this body for ratification as was required by the U S A constitution. The Senate amendments reduced the proposed Arbitration Agreement to a shadow and the authority of the President to nullity. The Senate vote on every Agreement was the demand of the Senate, and further it stated clearly that the treaty shall not authorise the submission to arbitration of any question which affected the admission of aliens into the U S A or the admission of aliens to the educational institutions of the several states, or the territorial integrity of several states or any question involving the maintenance of the traditional attitude of the U S A concerning American questions commonly described as the Monroe Doctrine or other purely governmental policy.<sup>60</sup> The amendments passed by the Senate were considered unacceptable and the Taft-Knox treaties were abandoned.<sup>61</sup>

(11) "Brayan Peace Proposals —

In 1912 President Woodrow Wilson next gave a fresh impetus to the Pacific adjustment of international disputes through the agency of International Commissions of investigation. Under the title of "President Wilson's Peace Proposals" was published what is popularly known as the "Brayan Peace Plan," according to which all questions in dispute, which diplomacy had failed to adjust, should be submitted to an international Commission pending whose investigation and report war should not be declared. The report was to be submitted in the

<sup>59</sup> Hershey, *Essentials of International Public Law and Organization*, p 468

<sup>60</sup> Moore, *International Law and Some Current Illusions*, p 90

<sup>61</sup> Moore, *International Law and Some Current Illusions*, p 90, footnote

course of one year. The proposed international Commission could work on its own initiative (*i e*, even if the parties to the dispute made no reference to it). This "Peace Plan" was intended to be a sort of "cooling off" process to enable national excitement to subside in the interval taken for investigation and report. The parties, having received the report were to be at liberty to take such action as they thought fit. The principle of State Sovereignty was in no way affected by the Brayan Peace Plan. The permanent Commissions were to be appointed as the result of treaties between any two or more powers. The Commission was to consist of five members, two selected by each party one of whom was its own national and the second belonging to a third state and the fifth member, also a subject of a third state was to be chosen by agreement between the two parties. Many treaties were concluded on this basis and most of them are still in operation.<sup>62</sup> The substance of the Brayan Peace Plan was in one word, Conciliation with no attempt at offering a binding judicial award. It found favour with many countries. In 1928 and 1929 the U S A concluded a further number of treaties based on the Brayan Plan.<sup>63</sup> The Brayan Plan was an advance on the provisions of the Hague Convention because (i) all disputes—without any exclusion of the so-called matters of 'national honour' and 'vital interest' were to be referred to this commission, (ii) the Commission of inquiry called the Permanent Commission did not come into being after the dispute had arisen, but was there in advance and available for all purposes, whereas the Commissions of inquiry under Hague Convention I were constituted *ad hoc* and when required, (iii) "the cooling-off process", *i e*, an undertaking not to resort to hostility before the publication of the report of the Commission was nothing less than admitting the principle of Moratorium,<sup>64</sup> which was afterwards embodied in Article 12 of the Covenant of the League of Nations which promised to work as a brake on Jingoism.

<sup>62</sup> Moore, *International Law and Some Current Illusions*, p 92, and Oppenheim, Vol II, p 15

<sup>63</sup> See Habicht, *Post-War Treaties for the Pacific Settlement of International Dispute*, pp 979, 1001, 1002, 1022

<sup>64</sup> Oppenheim, Vol II, p 16

## IX The Covenant as an Instrument for the Settlement of Inter-State Disputes: The Place of Conciliation and Arbitration in the Covenant.

After the world-war the Covenant brought into being a fully organised body—(the League of Nations did not exist before) to detect the possible outbreak of disputes, to prevent war by timely action, and further to lay new obligation on the individual members of the League in regard to the preservation of peace. Article 11 of the Covenant declared any war or threat of war to be a matter of concern to the whole League. Any member could bring it to the notice of the Secretary-General of the League who would forthwith summon a meeting of the Council including the representatives of the parties in dispute and the League was 'to take any action that may be deemed wise and effectual to safeguard the peace of nations'. Good Offices or Mediation or investigation by a special Commission or Conciliation may be adopted as a method for restoring peace—and finally even compulsion (under the Provision of sanctions). Article 11 also armed every member with the 'friendly right' to bring to the attention of the Assembly or the Council any circumstances likely to disturb international peace or good understanding. Article 11 in its "considerable comprehensiveness" becomes applicable even after the procedure under Article 15 has failed to produce a settlement.<sup>65</sup> Under article 12 of the Covenant members agreed not to resort to war until three months after the award or the report of the Council. Here was the influence of the Brayan Plan! By Article 13 members agreed to resort to arbitration or judicial settlement if a dispute was "suitable for submission to arbitration or judicial settlement, e.g., disputes as to (i) interpretation of a treaty, (ii) any question of international law, (iii) the existence of any fact which, if established, would constitute a breach of international obligation, (iv) the extent and nature of the reparation to be made for any such breach. As regards arbitration the Hague Convention had made provision of which use could be made if members agreed to seek arbitration. For judicial settlement the Covenant by Article 14 undertook to institute the Permanent Court of International Justice. It was made clear that members

<sup>65</sup> Lauterpacht's note on p. 80 of Oppenheim, Vol. II

who came forward to seek arbitration or judicial settlement the Covenant would carry out in full good faith the award or decision given and were "not to resort to war against a member which complies therewith." If the decision was not carried out it was the duty of the Council to propose what steps should be taken to give effect thereto."<sup>66</sup> If for the settlement of dispute neither arbitration nor judicial settlement was sought, then, under Article 15 the matter must be submitted to the Council of the League. Obviously, the object of that kind of submission would be to have a political, as distinguished from legal dispute, settled by the League,<sup>67</sup> and the Council was to tackle the problem by adopting the following procedure (1) invite from both parties a prompt submission of all statements of the case with all relevant facts and papers (the Council itself or either party may, within fourteen days after the submission of the dispute have the case referred to the Assembly of the League), (2) put the representatives of the parties to the dispute on the Council for that occasion, if those countries had no seats on the Council, (3) investigate the dispute, (4) put forth every effort to bring about a conciliation, (5) publish a report unanimously or by a majority of votes stating all facts and making recommendation for a settlement, (6) fortify its position by obtaining legal opinion, the Permanent Court of International Justice being statutorily entitled to give advisory opinion when asked. The report of the Council was not a judicial award binding on the parties. "No legal obligation is expressed in Article 15 as resulting from the Council's report whatever the normal obligation may be."<sup>68</sup> If the report is unanimous, *i e* , having the vote of all the members except the vote or votes of one or more of the parties to the dispute, then all the members of the League agree not to go to war with

<sup>66</sup> Oppenheim, Vol II, p 86

<sup>67</sup> The distinction between justiciable and non-justiciable, *i e* , legal and political dispute had still a prominent place in the minds of the framers of the Covenant. Dr Lauterpacht controverts "the view that the doctrine of the necessary limitation of the International Judicial function is impliedly contained in the Covenant (Lauterpacht, *The Function of Law in the International Community*, p 33)

<sup>68</sup> Oppenheim, Vol II, p 90

any party to the dispute which accepts the report but if the Council is unable to frame a report unanimously agreed to, in the sense of unanimity explained above, the members of the League "reserve to themselves the right for the maintenance of right and justice." If in this event war was undertaken it was not a breach of the Covenant. If the League was not able to give a lead to nations as regards right conduct, only the moratorium of three months after the report published by the Council as required by Article 12 of the Covenant stood in the way of the disputants settling the dispute by War. Attempts "to stop up this loophole for war" in the Covenant will be discussed in the next paragraph. So intent, however, were the framers of the Covenant on settling inter-state differences by peaceful means that, as stated above, failing any solution under Article 15, they still left Act 11 in full operation according to which, all possible means for effecting conciliation were to be adopted without interruption. Moreover paragraph 3 of Act 3 and paragraph 4 of Act 4 of the Covenant authorised the Assembly and the Council to deal "with any matter within the sphere of action of the League or affecting the peace of the world." In the dispute between China and Japan the latter on February, 24, 1933 voted against the unanimous report of the Assembly (Siam abstaining from voting). Thereupon the Assembly under the authority of the aforesaid articles appointed an Advisory Committee 'to follow the situation, to assist the Assembly in performing its duties under Article 3 para 3, and to aid the members of the League in concerting their action and their attitude among themselves and with non-members states.'<sup>69</sup> That Committee dealt with the situation that arose when China was invaded by Japan in 1937.

## **X Attempts to fill the gaps and put Inter-State relations on sound juridical basis.**

### **(a) The Geneva Protocol —**

The Covenant could not provide for absolute security against war as was shown in the preceding paragraph from the way Article 15 of the Covenant was to operate. Victorious France needed assurance of safety against

<sup>69</sup> Oppenheim, Vol II, p 92



another possible attack from the fallen foe. Britain was unwilling to extend her obligation beyond what the Covenant had laid down. Attempts were being made at the Assembly meeting to work for the reduction of armaments as Article 8 of the Covenant had indicated. Response to this demand was negligible. Military force was still considered essential for national security and France had clamoured for more and more of it. In 1924 the situation suddenly changed. The French people themselves came to think of security in terms of 'a moral solidarity between the people concerned'.<sup>70</sup> M. Harriot who had taken the place of M. Poincaré as Prime Minister found a very agreeable ally in Ramsay MacDonald—the Premier of the First Labour Government in England—and a real 'Geneva atmosphere' was created as the result of which the Fifth Assembly of the League produced the Protocol of the Pacific Settlement of International Disputes adopted by the Assembly on October, 2, 1924, commonly called Geneva Protocol upholding conciliation and arbitration in all matters of dispute—justiciable as well as non-justiciable—legal or political, leaving no loop-hole whatsoever for war as a possible measure of settling disputes. A few utterances of some of the leading figures of the time may be re-called with interest. Ramsay MacDonald defining aggression applied the test of arbitration. He tells the aggressor—"The test is: Are you willing to arbitrate? Are you afraid of daylight?" M. Herriot put "arbitration, security and disarmament as inseparable". M. Benes stood for compulsory arbitration backed by sanctions and Politis urged that when arbitration was compulsory, guarantees would be indispensable.<sup>71</sup> The Geneva Protocol provided for Compulsory arbitration in all disputes. To achieve that end this document proposed also an amendment of the Statute of the Permanent Court of International Justice to widen the scope of the jurisdiction of that Court. Even when in the course of discussions on the Protocol, Japan raised a difficulty asking for the suspension of all arbitral proceedings when a party to the dispute pointed out that the matter related to the domestic jurisdiction of that party, the amendment was allowed with an additional

<sup>70</sup> Toynbee, *Survey of International Affairs*, 1924, p. 38

<sup>71</sup> Toynbee, *Survey of International Affairs*, 1924, pp. 40—45

note that Article 11 of the Covenant would still be in operation. International Law as it was then understood could take no cognizance of matters coming within the domestic jurisdiction of a State, and arbitration that the Geneva Protocol was aiming at, being a judicial proceeding based on International Law would not encroach upon any domestic affair of a State. Therefore the framers of the Geneva Protocol added that even if under the plea of domestic jurisdiction, the matter was to be withdrawn from the province of compulsory arbitration, the League was not to wash its hands off the matter but continue to be interested in it and do all that was suggested by Article 11 "in the interest of the peace of the world". This Geneva Protocol had the blessings of all those who believed in collective security fundamentally based on arbitration and conciliation, *i.e.*, based on the Rule of Law among nations. When the Protocol that was unanimously passed at the Fifth Assembly of the League (October 1, 1924) was sent up to the different Governments of the member-states of the League for ratification, it "failed to secure the number of ratifications necessary to make it effective. This was largely due to opposition of Great Britain, and that opposition was mainly based on the view, that there being no machinery, or no effective machinery, for the revision under Article 19 of the Covenant of treaties which have become inapplicable, the Protocol would involve its adherents in a guarantee of the *status quo*, however unjust and precarious it might be."<sup>72</sup> The Conservative Government of Baldwin had taken the place of the Labour Government of MacDonald.<sup>1</sup> A great opportunity to put the world order definitely on the basis of Law and justice was lost.

#### (b) Locarno Pact And Treaties

Doubtless, the lapse of the Geneva Protocol which was intended to put the relations of all the signatory Powers once for all on a juridical basis caused great disappointment in Europe. Briand representing France and Benes representing Czechoslovakia swore by it. In fact, it was the most favourable time for a complete establishment of Rule of Law in the Community of Nations, for, any agreement on disarmament was not possible without Security based on Conciliation and Arbitration.

<sup>72</sup> Oppenheim, *International Law*, Vol II, p 91, footnote 2

Even before its fate was known, a number of states had already entered into bilateral treaties' of Conciliation and Arbitration, and the same process continued in the course of 1925-28. The Conservative Government of England which had been averse from extending its obligations for Peace towards universalism as the Geneva Protocol had asked for, now in 1925, under the leadership of its Foreign Secretary Sir Austin Chamberlain, lent a willing ear to the request of Germany for an arrangement which should ensure Peace in Western Europe by guaranteeing security to the States concerned on the basis of Arbitration in all disputes. Twice before this,—in 1922 and again in 1923, Germany had made a similar request without getting a response from France. In the course of the year 1925 talks were renewed and after a brisk exchange of notes and ideas at Conferences the famous Locarno Pact and Treaties came into being (October, 1925). Germany entered into separate treaties with Belgium, France, Czechoslovakia and Poland—(a) Mutual guarantees were given about the territorial *status quo* on all sides along with (b) Arbitration Conversations between Germany and Belgium and (c) between Germany and France and (d) Arbitration Treaties between Germany and Poland and (e) between Germany and Czechoslovakia. In the Locarno Treaties relating to Western Europe (The Rhineland Pact), Great Britain and Italy guaranteed these stipulations, their guarantee becoming effective if one party refused to submit a dispute to peaceful settlement, or to accept an arbitral award, and attacked the other party, or violated the demilitarized zone, in the absence of such aggravation, the Council of the League should decide on the appropriate action (Article 5).<sup>73</sup> "The arbitration Conventions provided for the settlement by peaceful methods of all disputes of every kind in which the parties were in conflict as to their respective rights, except those arising out of and belonging to the past,"—the procedure to be followed was as laid down in Articles 12-15 of the Covenant of the League.<sup>74</sup> In the final stage, if necessary, either a special arbitral court was to be set up or the Permanent Court of International Justice was the referee for justiciable disputes, and the

<sup>73</sup> Loynbee, *Survey of International Affairs*, 1925, p. 54

<sup>74</sup> Examined on p. 259 of this article

Council of the League was to determine other disputes To Poland and Czechoslovakia, France by a regular Treaty gave a guarantee as regards territorial *status quo* <sup>75</sup> "The complex of Treaties known as the Locarno Pact constituted a less ambitious document than the Geneva Protocol The Locarno Pact deliberately confined itself to a circumscribed area and attempted there to make war impossible It was a beginning, and only a beginning—a first step towards an ultimate ideal when far wider regions, if not all the world, should have bound themselves similarly never to make war, when disarmament should have become universal and Arbitration or Conciliation alone should govern the relations of the nations with one another" <sup>76</sup> Benes though satisfied so far as the interests of Czechoslovakia were concerned regarded Locarno only as an intermediate step, while Mr Chamberlain considered it "as the real dividing line between the years of war and the years of peace" Warm supporters of the Geneva Protocol may not have felt very enthusiastic over the achievement but it was clear that 'without the Geneva Protocol' the Locarno Pact could hardly have come into being "A study of the texts of the Covenant, the Protocol, and the Pact will show best how the basic ideas of the first were supplemented and deepened by the more developed theory of the second, to reappear, in a narrower, but perhaps more practicable form, in the third" <sup>77</sup> For some years to come "the phrase 'the Locarno Spirit' became a catchword of politics" The ideals of the Geneva Protocol had been given a practical shape in some region at least, and M Briand could hope to see in it "the draft of a constitution of a European family within the orbit of the League of Nations" Her stressman from Germany hailed it as a harbinger for making them citizens of Europe, linked together by the great conception of civilization which imbues our continent We have a right to speak of a "European idea" <sup>78</sup> That was pre-Hitlerite Germany! States prone to use the

<sup>75</sup> The Locarno Treaties and also the Guaranteeing Pacts were intact on paper when Hitlerite Germany rode roughshod all round as a prelude to the present war

<sup>76</sup> Toynbee, *Survey of International Affairs*, 1925, p 55

<sup>77</sup> Toynbee, *Survey of International Affairs*, 1925, p 56

<sup>78</sup> Toynbee, *Survey of International Affairs*, 1925, p 61

sword had now apparently put their inter-state relations on a juridical basis

(c) Plethora of bi-lateral Treaties of Conciliation and Arbitration<sup>75</sup> —

Indeed the decade (1920-30) augured well for the establishment of Rule of Law among nations. Conciliation and Arbitration had, as it were, come to stay. The Resolution of the Fifth Assembly (1924) had its effect on the governments of the day and quite a plethora of bi-lateral treaties had come into being by which the high Contracting parties voluntarily imposed on themselves agreement for arbitration or for conciliation or both, in some cases without any reservations as regards the nature of disputes—legal or political. It is worth while casting a glance at some of the outstanding treaties of this period—of varying import —(1) Switzerland signed eight bilateral conciliation or arbitration treaties after negotiations which in every case, had been started on the initiative of the Swiss Government. This country had always been in forefront for Peace after the Hague Conferences of 1899 and 1907 she was literally “building up an international network of bilateral arbitration treaties,”<sup>79</sup> but these pre-war treaties generally excepted from the scope of arbitration, questions affecting the honour, independence, and vital interests of the contracting parties. The Covenant and the Statute of the Permanent Court of International Justice had laid emphasis on the establishment of Conciliation as a procedure to be employed in conjunction with arbitration. As early as the 11th of December 1919, this Swiss Government ‘announced its intention to conclude with foreign countries arbitration treaties conceived on lines more modern (than the pre-war treaties), and more in harmony with the new fact of existence of the League of Nations’. Having before its eyes the principles of the League of Nations the Swiss Government stated “It is well known what a preponderant rôle has been reserved for arbitral or judicial settlement and for conciliation in the Covenant of the League of Nations, which has made these two principles

<sup>75</sup> The League of Nations pamphlet ‘Arbitration and Security’ C 653 M 216, 1927 (Geneva) contains the full text of these treaties

<sup>79</sup> Toynbee, *Survey of International Affairs*, 1924, p. 66

into elements in the juridical equipment of the civilized world. To work for the development of arbitration within the community of nations, to work for bringing the relations between states more and more under the aegis of the spiritual force of law, is not by any means the pursuit of a chimera, as some imagine it to be, but is on the contrary, an eminently practical activity. Switzerland—a small country whose principal strength lies in the goodness of her case—is serving her own interests as well as those of the community of the States. Thus she cannot hesitate to tread the path which opens before her. Her past, her traditions, and her mission in the world forbid her.<sup>80</sup> The first Arbitration Treaty on the new lines was signed on the 3rd December, 1921, between Switzerland and Germany and on the 20th September, 1924 a Swiss-Italian treaty for conciliation and judicial settlement was signed. This took place when the Geneva Protocol was on the anvil, and it was a treaty between two neighbours who might have had to face war as 'a physical possibility'. The most important features of the Protocol were anticipated in this treaty: every dispute 'amenable to some kind of organized settlement'—, with no traditional exceptions in favour of honour, independence, vital interests—was to be referred first for conciliation, and was to be handled for arbitration (*i.e.*, judicial settlement) when conciliation had failed. It was enough if only one of the parties to the dispute asked for the conciliation and arbitration machinery to be set in motion: no special agreement (technically called *Compromis*) was to be framed between the two parties before invoking conciliation and arbitration.<sup>81</sup> In their treaty with Germany, Switzerland placed arbitration first: conciliation was to be brought into play only if arbitration proved inapplicable. With Hungary also Switzerland entered into a treaty by which 'disputes of whatever nature' were to be submitted 'to a process of conciliation, or the case arising, to a process of arbitration' (Art. 1). 'If one of the parties failed to accept the conciliator's proposals within three months, the other party might then insist on recourse to arbitration' (Art. 10), on condition that the disputes were pronounced by the arbitral tribunal to fall

<sup>80</sup> Toynbee, *Survey of International Affairs*, 1924, p. 67.

<sup>81</sup> A most outstanding contribution to juridical settlement.

within one of the four categories of justiciable disputes specified in the optional Clause of the Statute of the Permanent Court.<sup>82</sup> It is highly instructive to note that Switzerland gave a lead to the rest of the world in upholding juridical basis of inter-state relations by going so far as to provide in the Swiss-Italian treaty of 1924 that even if the Permanent Court of International Justice declared that the dispute was not of a juridical order, *i e*, as not coming within the jurisdiction assigned to the Court by the Statute, 'the Court should settle the case *ex aequo et bono*'. To the Court was thus accorded a compulsory jurisdiction in equity as well as in law. In this the two parties (Switzerland and Italy) 'went beyond anything that had been inserted in any previous arbitration treaty'.<sup>83</sup>

(d) Renunciation of War (1928) General Act of Arbitration and Security (1929)

Security provided for by Conciliation and Arbitration based on bi-lateral treaties seemed to afford a fair chance of success to the Disarmament Conference which had been working for a number of years. At this stage (1928) U S A, largely influenced by its non-official opinion led by Prof James Shotwell, Prof Nicholas Murray Butler and others, made a mark by giving to the world the famous Kellog-Briand Pact (The Pact of Paris) for the renunciation of War. Article 2 of this Pact ran as follows 'The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise between them, shall never be sought except by pacific means'.<sup>84</sup> Practically all the states of the world signed this Pact and it became a General Act in August, 1928. It now became incumbent on the world to follow this up by a General Act for the Pacific Settlement of International Disputes which the Third Committee, *i e*, in the Committee for Security and Arbitration forthwith produced and which the Assembly adopted in September 1929. This General Act besides supplying the members with model treaties of four different types, of which they might choose any that suited them best for bilateral treaties of

<sup>82</sup> Toynbee, *Survey of International Affairs*, 1924, pp 69-70

<sup>83</sup> Toynbee, *Survey of International Affairs*, 1924, p 71

<sup>84</sup> Toynbee, *Survey of International Affairs*, 1931, p 247, footnote

arbitration and conciliation also made provision for a multilateral treaty of arbitration which would bring all the signatories under one General Act of Conciliation and Arbitration. The Act consisted of four chapters. Chapter I provided the signatories with conciliation procedure in all disputes including non-justiciable (political) cases, if not settled by diplomacy. Under Chapter II all 'justiciable' (legal) cases relating to the respective rights of the parties to the dispute were to be placed before the Permanent Court of International Justice, before an arbitral board or before a special tribunal board. Chapter III made provision for a combination of Conciliation and Arbitration, *i.e.*, where in a political or non-justiciable dispute, Conciliation procedure as provided for in Chapter I had failed, (the Report of the Conciliation Commission being in no way a binding judicial award), recourse must be had to an arbitral award at the instance of even one of the parties to the dispute, if both did not come to an agreement. On what law was Arbitration to be based? Article 28 of the General Act said that the Law of the Statute of the Permanent Court of International Justice was to be the same as in Article 38 of the Statute of the Permanent Court of International Justice leaving to the judges the latitude of having recourse to *ex aequo et bono*, if none of the rules mentioned in Article 38 was applicable.<sup>85</sup> Chapter IV allowed the signatories the option of reservations while signing the Protocol of the General Act. This was done with a view to soften the attitude of the Sovereign States of the world towards arbitration in matters on which they might be particularly sensitive. It was also open to the signatories to accept the whole General Act or only certain chapters. The General Act came in operation in 1930. The four Northern Powers, Sweden, Norway, Belgium and Denmark, always in the forefront for Pacific Settlement of Inter-State Dispute, were the first signatories. Britain accorded its assent to the Act (1930) after the Labour Government came into office, the Conservative Government having steadily refused to undertake obligations beyond those imposed by the Covenant. Mr Arthur Henderson, the British Spokesman at the League Assembly, however,

<sup>85</sup> On the point of *ex aequo et bono*, see the last paragraph of this paper.



insisted on Reservation,<sup>86</sup> which did not quite fit in with his professions that British accession was important because it would "complete an organized system of all-in arbitration." Before France became a party to the General Act, the French Chamber by a very big majority made their interpretation of Article 28 of the Act very clear (Article 28—"If nothing is laid down in the special agreement or no special agreement has been made, the Tribunal shall apply the rules in regard to the substance of the dispute enunciated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as there exists no such rule applicable to the dispute, the Tribunal shall decide *ex aequo et bono*").<sup>87</sup> They said that "respect for rights established by treaty or resulting from international law would be obligatory upon arbitral tribunals constituted in application of Chapter III of the Act." "In other words, it was considered that France's accession to the General Act would make Germany's hopes of an ultimate revision of the Peace Treaty (Versailles) more, and not less, difficult of attainment."<sup>88</sup> In February 1939—the year when Britain renewed her signature of the Protocol, she made a further reservation to the effect that her participation in the General Act would not cover disputes arising out of events occurring during any war in which Great Britain may be involved in the future. The reservation, it was stated, applies also to the procedure of conciliation. Cmd 5947 Misc No 2 (1939). France made an identical declaration.<sup>89</sup>

On the whole the first decade of the post-war Period showed a heartening record of the world's determination to put Inter-State relations on a juridical basis, despite the

<sup>86</sup> Prof. Briery in British Year Book 1931, commenting on British reservations which excluded from the purview of arbitration disputes arising from situations or facts prior to the said accession and also disputes coming solely within the domestic jurisdiction of the State considers 'the emasculation of Chapter III (of the General Act) as drastic, as these classes of disputes are of the utmost importance' (pp 132—135). "It certainly excludes from this professedly 'all-in' scheme the most dangerous sources of international friction," Briery.

<sup>87</sup> Toynbee, *Survey of International Affairs*, 1931, p. 249.

<sup>88</sup> Toynbee, *Survey of International Affairs*, 1931, p. 249.

<sup>89</sup> Oppenheim, *International Law*, Vol II, p. 83.

*amour-propre* still displayed by nationalism and independent sovereignty of States and this was the period when the Permanent Court of International Justice was doing all that was necessary to justify its existence and inspire confidence in International Justice

## XI. The Permanent Court of International Justice.

The fruition of man's efforts to place Inter-State relations on the firm basis of law and justice was, at last, seen in a duly organised and accepted Permanent Court of Justice. In the Middle Ages Pierre Dubois had spoken for the establishment of an institution of this kind. The Grand Design of Henry IV (Really of Sully) of France had dimly outlined the way that this want could be met, but from Cruce's robust intellect and sympathetic imagination had come a scheme which, in all essentials, fitted in with modern times. Arbitration and not violence as the means of settling inter-state disputes had been the persistent idea of jurists, philosophers, pacifists and peace-loving statesmen from time to time. Also a good use had been made of arbitration again and again, and it had, in the past, averted war. A reference has been made to all this in the earlier part of this paper. The Hague Peace Conferences of 1899 and 1907 gave a direction to this undefined and unregulated want of man by instituting a Permanent Court of Arbitration but this again, as shown above, was not a regular Court with any continuity, affixed personnel or sessions. The Court was only a panel of about 130 experts in law, a few of whom were to be selected by the parties to a dispute for giving an award on a particular case. Towards the end of the last World War in a series of memoranda, Woodrow Wilson had thrown out suggestions to prevent aggression and guarantee peace and justice through a final tribunal whose award the states in dispute should accept. The President was moving in the direction of 'judicial decision or arbitration, but how the judicial decision was to be obtained was unexplained.'<sup>90</sup> Lord Phillimore and Lord Cecil prepared plans referring to the formation of an International Court, and the draft which finally helped in the production of the League of Nations Covenant, prepared by Sir J. C. B. Hurst of England and Mr. David Hunter Miller of the United

<sup>90</sup> Kailston, p. 300

States—popularly known as the Hunter-Miller Draft of February 1919 “forbade resort to armed force in the event of dispute without submitting the questions and matters at issue, either to arbitration, or to inquiry by Executive Council, and until three months after the award at arbitration or recommendation by the Executive Council. The Council was charged with the duty of formulating plans for the establishment of a Permanent Court of International Justice to hear and determine any matter which the parties might recognize as suitable for “arbitration” (making no distinction between it and judicial settlement)”.<sup>91</sup> A most timely contribution to this great development came from the U S A association of International Law lawyers who sent telegram urging the institution of a Permanent Court of International Justice. By Article 13 of the Covenant (a) it was stipulated that the members of the League “agree to submit to arbitration any dispute which they recognize as suitable for submission to arbitration (when diplomacy had failed) (b) disputes suitable for arbitration were mentioned as relating to (i) interpretation of a treaty, (ii) any question of international law, (iii) the existence of any fact which, if established, would constitute a breach of any international obligation, (iv) the extent and nature of reparation to be made for any such breach (c) the Court of arbitration which should settle these disputes would be the court agreed on by the parties to the dispute or stipulated in any convention existing between them (d) members agreed to carry out in full good faith any award that may be rendered,—and they will not resort to war against a member of the League which complies with the award (e) “In the event of failure to carry out such an award the Council shall propose what steps should be taken to give effect thereto”. By Article 14 the Council undertook to frame a plan for the establishment of a Permanent Court of International Justice,—which plan was to be submitted to the members of the League for adoption. The Court so established was competent to hear and determine any dispute of an international character which the parties thereto submit to it. “The Court may also give an advisory opinion upon any dispute or question referred to

<sup>91</sup> Ralston, *International Arbitration from Athens to Locarno*, p 301

it by the Council or the Assembly '' By Article 15 of the Covenant disputes not submitted to the Court—but still 'likely to lead to a rupture,' the members agreed to submit to the Council. This last provision would imply the use of conciliation by the Council. The Court as mentioned in Article 14 came into being in accordance with the Statute of the Court passed by the Assembly in September, 1921. For the purpose of drafting this Statute the Council appointed an advisory Committee of ten jurists which included Mr. Elihu Root who besides being very helpful all round, solved, for them all, the knotty problem of appointing judges by simultaneous election by the Council and the Assembly, the candidate getting a majority of votes from both these bodies being declared elected. After the first election, a second, and even a third would be held to get all the judges elected by this concurrent process of election. When there was a difference in the result of the voting of the two bodies, a joint conference of three each from both would sit to propose a compromise acceptable to the Assembly and the Council. If the joint Committee found there was no chance for such a proposal being accepted by both the Assembly and the Council, the judges already elected would fill up the remaining places from the list of candidates who had obtained votes either in the Council or in the Assembly. The right of nominating candidates was given to the judges who were on the panel of the Hague Permanent Board of Arbitration which had come into being as the result of Hague Peace Conventions of 1907. On this Board the nationals of all the signatory States had a place and the Statute of the Permanent Court of International Justice enjoined them to nominate, in consultation with their Supreme Courts and Faculties of Law, men of the highest calibre in morals and in Law,—keeping in mind the necessary condition that all systems of Law and various types of civilisation had a proper place on the nomination list. Eleven judges and five deputy-judges (15 judges with no deputy-judges according to the amended Statute of 1930) were to be elected. A quorum of nine could form the Bench. Two of the same nationality could not be elected and if the election did take that turn, only the senior in age was declared elected. If a party to a dispute had its national on the Bench and the other party had not, the latter was allowed to have a judge of its own nationality on the Bench for that particular case out of the

list of nominated members. This was the only concession made in deference to the principle of State-nationality. In the course of the actual working of this Court it had been found that the judges who, as a rule, were men of great eminence and unimpeachable morals did not always support their national point of view where their own states were involved <sup>92</sup> It was, however, open to the President to prevent any member from sitting on the Bench for a particular case and if the excluded member objected, the matter was to be settled by the vote of all the judges. The fundamental point in this constitution of the court is that the judges do not represent their countries but stand for determining law and giving justice in a World Court. For instance, J B Moore, a well-known jurist of U S A, was elected in 1922, although U S A had not signed the protocol attached to the Statute, i e, was not a member of the Court. Every judge has to "make a solemn declaration in the open court that he will exercise his powers impartially and conscientiously." Appointed by the League Assembly and Council and drawing their salary from the budgets regularly passed by the Assembly, they are not removable, except by the vote of the judges of the Court, presumably only on a charge of corruption. Their tenure of office is for nine years, but they are eligible for re-election. In substance, the Statute of the Permanent Court of International Justice has created a court worthy of the great trust that was reposed in it. At the inaugural function for the opening of the Court on February 15, 1922, the Secretary-General of the League Sir Eric Drummond said, "The definite establishment of the Court completes the organization of the League as laid down under the Covenant. It is clearly the greatest and will, I believe, be the most important creative act of the League. At last an international judicial body is established which is entirely free from all political control and entirely unfettered as to its decisions by political bodies. Although it derives its authority from the League, its judgments are in no way subject to advice or revision by the Council or by the Assembly. The relation between the Court and the

<sup>92</sup> Hudson, *Permanent Court*, pp 333—39, maintains that national judges have shown, a certain amount of independence, and that they do not always consider themselves as representatives of the State which appoints them.

League is similar to that which exists between the Court and the Government in England, and elsewhere. The judges are appointed by the State, but the State cannot remove them. There can be no dictation or interference by the Government with Courts. Indeed, the Courts can give decisions on what the State itself has done, though ultimately the authority of the Courts derives from that very Government."<sup>93</sup>

### THE JURISDICTION OF THE COURT, ETC

The State is the 'person' that comes under the purview of International Law and International Relations. An individual national of a State having a claim on the government or a national of another State can be heard only if his own government makes his case its own. Therefore the parties to a dispute before the Permanent Court of International Justice can only be the states as represented by their governments which may employ agents and counsels for the purpose. The States are Sovereign, independent bodies that know no authority above them and no external referee for imposing a judgment on them except the authority or the referee they bring into being by a general or by a particular agreement. The Statute of the Permanent Court of International Justice accepted and recognised this position. A Protocol was attached to the Statute which state-members of the League accepting the Statute were to sign and to ratify, wherever ratification was required by the constitution of the State. The Statute came into operation only after a majority of the members of the League had signed the Protocol. Further, Article 36 of the Statute made provision for *compulsory* judicial settlement of certain kinds of disputes in the case of those States which signed what was called 'the Optional Clause', according to which, States signing this Clause voluntarily agreed that they will be amenable to the compulsory jurisdiction of the Court, in settlement of a dispute with another State which had also signed the 'Optional Clause'. The agreement was made in advance of any actual dispute arising between them. These legal or justiciable disputes as mentioned above were put under the following heads —

#### (a) The Interpretation of a treaty

<sup>93</sup> Moore, *International Law and Some Current Illusions*,  
p. 132

- (b) Any question of International Law
- (c) The existence of a fact which, if established, would constitute the breach of international obligation
- (d) Reparation for a breach of international obligation

Under these heads would come all possible disputes pertaining to the "respective rights" of States. While signing "the Optional Clause" it was open to the States to make reservations as regards the nature of the disputes for which they were not willing to come under the compulsory jurisdiction of the Court and the States could also specify the period of time for which they bound themselves with this arrangement. Besides the Protocol signing member-states of the League there were a few other states, *e.g.*, U S A (not members of the League) who were invited to accept the jurisdiction of the Court. It was also provided in the Statute that any non-member State could, at any time, ask for justice at the hands of the Court, on condition that it accepted the spirit of the working of the League, specially promising not to go to war with a member-state that accepted the award of the Court.

On what law were the judicial decisions of the Court to be based? Article 38 of the Statute made that clear —

- (a) International Conventions, particular or general, establishing rules recognized by the contesting states
- (b) International custom, as evidence of a general practice usually accepted as law
- (c) The general principles of law recognized by civilized nations
- (d) Judicial decisions and the teaching of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law but to this Clause Article 59 added, "The decision of the Court has no binding force except between the parties and in respect of that particular

case ”<sup>94</sup> Further, the Court was given “the power to decide a case *ex aequo et bono*,<sup>94a</sup> if the parties agree thereto ”

### A FEW NOTABLE CASES HANDLED BY THE COURT<sup>95</sup>

(1) Steamship Wimbledon (Judgment No 1) — Poland and Russia were at war in 1920 The British Steamship *Wimbledon* chartered by a French Company carried ammunition to Poland *via* Kiel Canal Germany forbade the passage on the ground of her neutrality in this war By Article 380 of the Versailles Treaty of June 1919 Germany could not apply to the Kiel Canal a neutrality order which would close the Canal to powers with which it was not at war “The court held that the canal had ceased to be an internal and national navigable waterway and had become international, subject only to the condition that the vessels passing through it must belong to nations at peace with Germany The court drew a distinction between this canal and the other internal navigable waterways of the German Empire It further held that a restrictive interpretation maintaining rights of sovereignty would be contrary to the terms of the treaty, destroying what had been clearly granted The court, therefore, concluded that Germany had wrongfully refused passage to the Wimbledon and was responsible for the loss occasioned thereby Judgment was given against Germany for 149,749,35 francs with interest, payment to be made within three months ”<sup>96</sup>

(2) German interests in Upper Silesia (Judgment No 6) — “This case was initiated by the German Government against Poland, and charged that the Polish Government had expropriated certain industrial property at Chorzow in violation of Article 8 of the Geneva Convention The Polish Government asked the Court to declare

<sup>94</sup> Moore, *International Law and Some Current Illusions*, p 160

<sup>94a</sup> This subject is treated in the last Chapter XII of this *Community*, p 155

<sup>95</sup> This paragraph is based mainly on Prof M O Hudson's work on ‘The World Court’ and Ralston, *Arbitration*, Chap XXXII

<sup>96</sup> Ralston, *International Arbitration from Athens to Locarno*, pp 319-320



that it had no jurisdiction or, in the alternative, that the German application could not be entertained”<sup>97</sup> The Court held that it found no reason why jurisdiction should not be entertained and the case was to be reserved for judgment on its merits (The Statute had empowered the Court to give judgment when its jurisdiction was challenged by a party to a dispute Article 36, last paragraph)

(3) *France vs Switzerland* in the case of Free Zones of Upper Savoy and the District of Gex —After the Napoleonic wars, by treaty rights, this area in Switzerland had been given a special economic position inasmuch as the French customs line had been withdrawn from its political line Article 435, paragraph 2 of the Treaty of Versailles (1919) had declared that having “regard to present conditions” this position was untenable, and the French moved their customs line on to the political boundary By agreement between France and Switzerland the case came before the Permanent Court of International Justice in 1928 After several hearings the Court held that the treaty rights enjoyed by Switzerland were not abrogated by a mere declaration as embodied in Article 435 and when France urged that the circumstances had changed, *i e*, that the Free Zones of Upper Savoy and the District of Gex had now become a part of the Union of Switzerland, the Court demanded a proof from France whether the concession given to this area “was in consideration of the absence of Customs duties at Geneva in 1815” this France failed to prove The Court upheld the rights of this area as not having been abrogated by Article 435 of the Treaty of Versailles and later, *i e*, by 1934 at the instance of the Court the two countries agreed to create a new regime for the Zones to meet the changed circumstances<sup>98</sup>

A few notable Advisory Opinions given by the Court —By Article 14 of the Covenant of the League of Nations, the Permanent Court of International Justice was also to be used for giving “advisory opinions” on matters referred to it by the Council or the Assembly of the League These “advisory opinions” have, in a way, figured even

<sup>97</sup> Ralson, *International Arbitration from Athens to Locarno*, p 322

<sup>98</sup> Bierly, *The Law of Nations*, pp 200, 205 and 225, Hudson, *The World Court*, pp 125—28

more prominently in the eye of public opinion than the judicial awards given by the Court. In handling matters submitted to the Court for "advisory opinions," the Court has, all along, avoided secrecy or private and 'confidential' communication on any point. All facts and arguments relating to these questions have been received in the Open Court with full knowledge and participation of all parties to the dispute and the impartiality and conscientiousness of the Court in giving these "Opinions" have contributed much to the public confidence reposed in this International Court. This will be easily seen by a brief reference to the following cases —

(a) *East Carelia, Finland versus Russia* (1923 5th Advisory Opinion) — Finland as a member of the League of Nations asked the Council to help in the determination of the Status of Eastern Carelia which Russia claimed to be an internal matter and solely her own concern. The Council referred the question to the Court for Advisory Opinion. The Court invited Russia (then a non-member of the League and not a signatory of the Protocol attached to the Statute of the Court) to place all the facts before it. Russia refused to take any part in the proceedings. "On July 23, 1923, the Court, after full deliberation announced the conclusion that it could not give an Advisory Opinion on the question before it." The Court based its conclusion "on a fundamental principle of international law, namely, the principle of independence of States." Said they, "It is well established in international law that no State can, without its consent, be compelled to submit its disputes with other States either to mediation or arbitration or to any other kind of pacific settlement."<sup>99</sup>

(b) *Dispute between France and England on the Nationality Decrees issued in Tunis and Morocco (French Zone)* on November 9, 1921 and their application to British subjects in that Zone (4th Advisory Opinion of the Court delivered on February 7, 1923). The French Government had issued a decree of conscription applicable to the French Zone in Tunis and Morocco. British subjects residing in that area protested that the Decree should not apply to them. British Government

<sup>99</sup> Moore, *International Law and Some Current Illusions*, p 127, Hudson, *World Court*, pp 175-76

suggested reference to Arbitration on this point. The French Government declined on the ground that, as it was a matter coming within the domestic jurisdiction of the French Government, it was outside the domain of International Law and Arbitration. Britain placed the matter before the Council under Article 15 of the Covenant, and the Council referred it to the Court for 'Advisory Opinion'. In the course of the proceedings before the Court it was found that the French Decree applied to a protected State (Morocco) by the protecting State (France), between which there were treaties of the past which were not oblivious of other states and their rights. Therefore the Court "rendered an opinion holding that, as the dispute in question involved both the interpretation of Treaties and the ascertainment and application of principles of international law, it was not, by international law, solely a matter of domestic jurisdiction. The opinion of the Court was unanimous, and the two Governments, instead of proceeding to the litigation of the merits, subsequently effected an arrangement of the dispute by direct negotiation."<sup>100</sup>

(c) Customs regime between Germany and Austria (Advisory Opinion No 20, 1931) —By Article 88 of the Treaty of St Germain 1919 "Austrian independence was inalienable otherwise than with the consent of the Council of the League of Nations" and Austria had undertaken "to abstain from any act which might directly or indirectly or by any means whatever compromise her independence particularly, by participation in the affairs of another power". By the Geneva Protocol of 1922, October 4, "when Austria was receiving financial help, she had further undertaken to abstain from any negotiation or from any economic or financial engagement calculated directly or indirectly to compromise this independence". On March 19, 1931, German and Austrian Governments signed a Protocol agreeing "to enter into negotiations for a treaty to assimilate the tariff and economic policies of their respective countries". This created a great sensation which threatened to disturb European relations. The Council of the League invited the advisory opinion of the Court and the latter by a

<sup>100</sup> Moore, *International Law and Some Current Illusions*, p 124, Hudson, *World Court*, pp 171—74

majority of 8 against 7 held that Austria's action was 'incompatible with Austria's obligations under the Geneva Protocol' On September 3, 1933, the Austrian and the German representatives announced that they did not propose to proceed with the intended negotiations <sup>101</sup>

The Permanent Court of International Justice has come to stay, but it depends for its business upon the desire and the will of nations which alone can be parties before it (Article 34 of the Statute), to submit their differences to judicial determination "Hence, no effort should be omitted to cultivate a public sentiment that will induce Governments, instead of resorting to violence, to come before the tribunal which has now been established, which is continuously organised and always open to them, and submit their controversies to its final and peaceful decision" <sup>102</sup>

## XII. Arbitration—Ex aequo et bono.

"Arbitration is a judicial settlement by a person or persons acting in a judicial capacity" <sup>103</sup> International arbitration rests on a judicial basis The history of International Arbitration from the days of ancient Greece to modern times clearly shows that arbitral tribunals were to give their judicial award based on rules of international law recognized by the contesting parties A strict application of those rules was expected of them, otherwise the award was open to rejection by any one of the parties It is true that sometimes arbitrators were also asked to help as compositeurs, and as such, they suggested compromise In those circumstances, they worked as mediators and not only as judges, and for the purpose of effecting a suitable compromise the arbitration would be resolved into a gathering of amiable compositeurs The Hague Peace Conference of 1899 and 1907 while providing for a Permanent Court of Arbitration emphasised "respect for law" as the basis of the Arbitrator's award In the Preamble to the Hague Convention the Powers declared themselves to be "desirous of extending the Empire of law and of strengthening the appreciation

<sup>101</sup> Hudson, *World Court*, pp 210—214

<sup>102</sup> Moore, *International Law and Some Current Illusions*, p 146

<sup>103</sup> Potter's *Study of International Organisation*, p 221

of International Justice ” There has been some misunderstanding about the distinction between arbitration and judicial settlement “That distinction may, in fact, be reduced to a purely procedural distinction, and it depends on the fact that in arbitration the arbitrators are appointed *ad hoc* by the parties, whereas in pure judicial settlement there must be a permanent Court In both the process is an essentially legal one ”<sup>104</sup> Article 38 of the Statute of the Permanent Court of International Justice empowered the Court to give its award as based on Rules of Law and added in the last paragraph *ex aequo et bono* where the parties agreed that the Court may have recourse to Equity This power given to the Court, subject to the agreement of the parties to the dispute, is said to have been provided for on account of the supposed deficiency of Rules of International Law Dr Lauterpacht, however, is of opinion that there is no case of International Arbitration where the Tribunal has declined to give an award because of the want of Law applicable to that case “It is irrelevant to say that when a judge is unable to elucidate the intention of the parties he ought to pronounce a *non liquet* ”—“It is his duty to find what, having regard to the available data, was the intention of the parties or what the intention of the parties must be presumed to have been When certainty is unattainable, the nearest approximation to the proper construction of the treaty must be the object aimed at ”<sup>105</sup> “It is the right and duty of arbitral Tribunals to pronounce judgments on the basis of the closest possible approximation to the existing rule in all cases of doubt Uncertainty can never be regarded as the reason for the abdication of the judicial function ” Dr Lauterpacht considers the first paragraph of Article 38 of the Statute sufficiently comprehensive for all purposes of a strictly judicial award based on Rules of Law Not only all cases understood as justiciable, *i e*, pertaining to “the respective rights” of the disputants, but even non-justiciable or political cases are easily covered by what may be understood to be the jurisdiction or competence of the

<sup>104</sup> *The British Year-Book of International Law*, p 119, Article by Hedges on the Juridical Basis of Arbitration

<sup>105</sup> Lauterpacht, *The Function of Law in the International Community*, p 130

Permanent Court Several cases handled by the Court in recent years may be quoted in support of this argument, *e g* , the rights of German minorities in Poland, German interests in Polish Territory of upper Silesia, the Wimbledon case referring to the neutrality of Kiel Canal The Permanent Court of International Justice has given judgments on questions not distinguishable from political questions "There is no escape from the fact that all international disputes are 'political' to a larger or smaller degree"<sup>106</sup> Every Advisory Opinion asked for related to a case with a highly political character It all depends on the attitude of the parties to the disputes If they are willing to go to arbitration, the line of demarcation between justiciable and 'political' may be scarcely distinguishable "The Permanent Court is essentially an instrument of Peace and it is desirable that it should not be prevented from fulfilling its task as such whenever consistent with its judicial function"<sup>107</sup> And Hedges says "in as much as matters of policy are not wholly separable from matters of law, its use (*i e* , use of arbitration) is qualified in the sense that it can be applied where the parties are willing to employ it"<sup>108</sup>

While adherence to rules of International Law is considered as the most important point which inspires confidence in the Permanent Court, no objection can be raised against empowering the Court with *ex aequo et bono* if the parties to the dispute agree Thereby the parties expressly ask the Court to adjudicate on the basis of something more just or something fitting the case more than what the existing Law can offer In other words, the parties by agreement ask the Court to supply them with judicial legislation, which would apply not only to the case in dispute, but within the purview of a general arbitration treaty, in regard to future disputes This shows to what lengths States may be prepared to go The scope of legislative discretion open to the arbitrator set up on the basis of *Ex Aequo Et Bono* clause is admittedly

<sup>106</sup> Lauterpacht, *The Function of Law in the International Community*, p 135

<sup>107</sup> Lauterpacht, *The Function of Law in the International Community*, p 327

<sup>108</sup> *British Year-Book*, 1926, p 120, Hedges, *Judicial Basis of Arbitration*

great but presumably it will be used by making "the existing legal position as a convenient starting point for effecting any changes that may be necessary"<sup>109</sup> "When the Court acts in this capacity at the express wish of the parties, the decision rendered will be a strictly legal one. The will of the parties is law." Therefore the judge would be performing a strictly judicial function. This is essentially the case when judges expressly authorized by the parties decide *ex aequo et bono*. That decision is not a discretionary arbitrary ruling, but this authorization to decide *EX AEQUO ET BONO* does impose upon the Court a heavier and more responsible task.<sup>110</sup> If expert and technical knowledge is required for the creation of new rights and obligations, the Court may be assisted by experts. (For instance, the Permanent Court of International Justice has given Advisory Opinion in regard to the Powers of the European Commission of Danube.) This is the procedure adopted by municipal courts as well.

The question whether the Permanent Court should possess this power has been answered by some judges in negative. Judge Kellogg in his observations on the Free Zone's case says that 'the exercise of such a power would compromise the judicial character of the court,' and may, therefore, be entrusted to arbitral bodies less wedded to strictly judicial methods (*e g*, Permanent Court of Arbitration). Dr Lauterpacht does not agree with this view. "The judicial authority of the Permanent Court of International justice has now become firmly established, and there is no reason to apprehend that its prestige would suffer as the result of the exercise of function which it may, by virtue of its Statute, be called upon to perform. On the contrary, it might be said, in regard to this particular function, that the fact of the Court being entrusted with it on specific occasions might well be regarded as an expression of unusual confidence in its impartiality and objectivity. An international tribunal asked to act as a legislator is, in effect, asked to apply, not rules of arbitrary discretion, but the higher law of international justice and

<sup>109</sup> Lauterpacht, *The Function of Law in the International Community*, p 317

<sup>110</sup> See League of Nations Pamphlet *Arbitration and Security*, p 20, Article 5 of the Swiss-German Treaty of Arbitration and Conciliation, Dec 1921

solidarity For the application of that law the highest qualities of the judicial mind are required ”<sup>111</sup>

When a multi-lateral treaty like the General Act of 1928 in the last part of Chapter III, provided for obligatory arbitration and allowed the use of *EX AEQUO ET BONO* if the parties agreed, objections to this extension of judicial legislation came from Dr Lauterpacht himself He strongly criticised the idea of converting a judicial body into something hybrid,—*i e*, giving decisions legal and non-legal, according as it may suit a litigant who has grave doubts of his case if judged by the existing law Here he declines to extend to arbitration under international law that which is allowed to arbitration in municipal law The latter is only supplementary to an established legal system ingrained in the soil, whereas in the former case, arbitration is the only machinery for putting inter-state relations on juridical basis and therefore must proceed from a purely judicial body In International relations, arbitration lies at the very basis of Rule of Law A State cannot ask for a change of law by distorting the very character of an arbitral body “Obligatory settlement of disputes in which a State asks for a change of law cannot, and ought not to, be achieved through the questionable expedient of distorting the true character of international arbitration, past and present ”<sup>112</sup> Hedges supports Dr Lauterpacht by stating that the difficulty is not solved “merely by the conclusion of arbitration treaties in advance—the so-called compulsory arbitration because experience has shown that in such cases the parties qualify their agreement by some such device as reserving matters which affect their honour, vital interests, and so on ”<sup>113</sup>

Where and how far Equity must be employed as an adjunct or as a corrective or as judicial legislation to make up for the present-day deficiencies in the juridical basis of Inter-State Relations is a question not yet solved Chances are more in favour of Equity holding the field “The General Act and the numerous bipartite treaties entered into during the decade 1926—36 confer important

<sup>111</sup> Lauterpacht, *The Function of Law in the International Community*, p 325

<sup>112</sup> Lauterpacht, *The Function of Law in the International Community*, p 382

<sup>113</sup> *The British Year-Book of International Law*, 1926, p 120



jurisdiction on the Court. Their provisions deserve careful study. Article 38 of Statute might well be amended to say that the Court should apply "international law and equity."<sup>114</sup> As against this view, in the same pamphlet another writer says "It is political rather than judicial organs that we must build to improve the law. Then in any particular controversy, the courts will have the agreed legal materials at hand for use in rendering judgment."<sup>115</sup>

In the end let us constantly say with Nippold that "the final victory will sometime fall to that system which has 'morality' and 'law' on its side. Upon the progress of 'law' and not of force must the future of Europe and of the world be established."<sup>116</sup>

<sup>114</sup> *International Conciliation Documents for the Year, 1941*, p. 347.

<sup>115</sup> *International Conciliation Documents for the Year, 1941*, p. 513.

<sup>116</sup> Nippold, *The Development of International Law after the World War*, p. 189.

## REVIEWS

### WAR AND PFACE IN THE PACIFIC (Institute of Pacific Relations )

This is a preliminary report of the eighth conference of the Institute of Pacific Relations, held at Mont Tremblant, Quebec, from December 4th to 14th, 1942. The Institute promises to issue a fuller account later based on the detailed records of the conference discussions, under the title "Problems of the Pacific 1942". The Institute of Pacific Relations is an unofficial and non-political organization, founded in 1925 to facilitate the scientific study of the problems of the peoples of the Pacific area. It is composed of autonomous National Councils of Australia, Canada, China, New Zealand, Netherlands Indies, Japan, Philippines, Great Britain, U S A, U S S R, having important interests in the Pacific area. India, though represented at the eighth conference at Quebec in 1942, has yet no National Council of Pacific Relations, though she is vitally interested in the problems of the Pacific. It is to be hoped that India will soon organise such a National Council and join the Institute of Pacific Relations, so that she may take her proper share in the maintenance of permanent peace in the Pacific and carry the present war in the Pacific to a successful conclusion. The Institute is governed by a Pacific Council composed of members appointed by each of the National Councils.

In addition to the independent activities of its National Councils, the Institute organizes private international conferences every two or three years. Such Conferences have been held at Honolulu (1925 & 1927), Kyoto (1929), Shanghai (1931), Banff, Canada (1933), Yosemite Park, California (1936), Virginia Beach, Virginia (1939), and Mont Tremblant, Quebec in December 1942. It conducts an extensive program of research on the political, economic and social problems of the Pacific area and the Far East. It also publishes the proceedings of its conferences under the title "Problems of the Pacific," a quarterly journal, "Pacific Affairs," and a large number of scholarly books and pamphlets embodying the results of its studies.

The eighth conference at Quebec differed very markedly from previous meetings, not only in organization and membership, but also in the international circumstances under which it met. For the first time, Japan, one of the most important powers of the Pacific, was not represented and India was represented at the Conference, though the delegation was nominated by the Government of India. Also persons holding important Government positions participated in the Conference contrary to the previous practice. U S S R found itself unable to send a delegation due to war emergencies. The main purpose of the Conference discussion was to answer the following questions: (1) What steps can jointly or severally be taken by the United Nations (particularly those with major interests in the Pacific area) to aid in the better prosecution of the war and in the establishment of conditions of racial, political and economic justice and welfare? (2) How far and by what means can the conclusions drawn from the discussions under point (1) above be made the basis of a practical program for the United Nations during and after the War?

The Conference discussed these problems in four round table groups and five "regional" round table groups, one of which was devoted to India. Problems of post-war relief and rehabilitation were also discussed in these round table groups. The following topics among others were discussed at the Conference:

- 1 A Pacific Regional Organization,
- 2 A possible resolution of the Indian political deadlock,
- 3 An International Police Force,
- 4 Post-war treatment of Japan,
- 5 The future of colonial territories in the Pacific,
- 6 Chinese immigration,
- 7 Minimum welfare standards,
- 8 American willingness to enter into international commitments,
- 9 International responsibilities of the great powers,
- 10 The Atlantic Charter and the Far East

The Conference passed no resolutions or recommendations, but consensus of opinion was sought on these topics, on very few points was there complete unanimity and on many points there were strong dissenting views. The three problems that interest the people of India are naturally those dealing with India, the Future of Colonial Territories, and the Atlantic Charter and the Far East.

The round table on India opened with an examination of India's place in the general strategy of the United Nations. It was observed that the Pacific War had suddenly changed India's long standing pre-occupation with the North-West on defence problems to concern over the weaker North-East. The effect of Indian political conditions on the war was the lack of enthusiasm and moral support of the people in making India as an arsenal and as an operating base against Japan. Though India produces some 45,000 items out of the 60,000 needed for modern war, she has not been getting the foreign war supplies it needs, such as modern planes. It was proposed by one of the members of the Indian Delegation at the Quebec Conference that as a first step towards breaking the present deadlock, the Executive Council of the Viceroy should be completely Indianized. The second step of the proposal was to set up an Exploratory Commission which would include Indian leaders representing the points of view of the various political parties. The third step would be that this Exploratory Commission should study all the questions requiring consideration in framing a new constitution. In that task, foreign experts could give valuable assistance and advice. It was, therefore, proposed that a United Nations Advisory Committee be established for this purpose after the Exploratory Commission had worked for some time and examined methods of adjusting the various differences among the parties. It would, it is hoped, have a basis for a settlement acceptable by all groups. Having done this, the next step would be to work out the nature of an Indian Constituent Assembly which would be responsible for actually drafting a new Constitution.

Many members of the Conference felt that there was urgent need for a new British Government statement, preferably by Mr Churchill, clarifying the application of the Atlantic Charter to India. Without this, there will remain serious suspicions among the United Nations—the Chinese and Americans especially—about the sincerity of the British promises. Earlier in the Conference, there was a suggestion for mediation or for direct formal intervention to break the Indian deadlock, but was given up in favour of the above suggestions. There was a general agreement, though not complete, in the Conference that this proposal offered a promising means of starting the process of resolving the present deadlock in India. It was also noted that India is eager to participate in a Collective Security Organization, both world and regional.

Regarding the future of colonial territories, the Conference agreed that the post-war settlement must see the liberation of dependent peoples from the control exercised over them. If circumstances require that some protection and tutelage should be given to them until they can stand by themselves, then it must be accompanied by a guarantee of their liberation at a determined date and safeguarded by the supervision of some organization, international or otherwise, which will see that the protecting power performs its obligation both to the people ruled and to the civilized world at large. There was a general consensus that the organization set up to represent this international authority should be fairly broad in its composition. It should include not only the colonial powers directly concerned, but also representatives of the indigenous peoples, and, in addition, representatives of independent powers which are not responsible for colonial administration. The Conference was strongly of opinion that this regional international authority should be set up at once without awaiting the termination of hostilities. The immediate establishment of such a body with the assurances, it would provide of rapid evolution towards complete independence of the colonial areas concerned, would not only be a powerful weapon of political warfare in those areas, it would also go a long way toward dispelling misunderstanding and eliminating possible sources of friction among the United Nations. Such an international authority should also have the right of investigation on the spot as well as the right to seek and obtain information from the Colonial power. The Authority will also see that internal divisions among colonial peoples are not used as an excuse for perpetuating or unnecessarily prolonging the inferior status of these dependencies.

The application of the principles of the Atlantic Charter to the Pacific region and Asia was the next question considered by the Conference, as several of the British Prime Ministers' speeches had been interpreted abroad as either denying or leaving in doubt the question whether the eight points of the Charter apply to the Far East and other parts of the world as well as to Europe. The Conference was strongly of opinion that the Charter applies and should apply to the whole world, though its application may take a longer time in the case of some backward countries than in the case of others. Such an assurance goes a long way in securing the moral support of the peoples of the Pacific in the successful prosecution of the war.

One of the most important problems for the peace of the Pacific, *i.e.*, immigration policies of the U S A, Canada, Australia and New Zealand, was not adequately discussed. To the writer, this problem is the most important and urgent of all Pacific problems. To the peoples of Asia, the question of immigration was largely one of racial discrimination. These immigration restrictions are inconsistent with the spirit of the Atlantic Charter and furnish a continual source of irritation and resentment among the peoples affected. Though the Conference realised that an obligation existed for a removal of the sting of discrimination from existing immigration policies, specific methods whereby this might be achieved were not further explored by the Conference. The Delegates for China urged that (1) oriental peoples should everywhere be admitted on the same basis as other peoples and (2) there should be no discrimination against Asian residents, once they have been admitted.

Other important specific problems considered by the Conference were (1) A Pacific Regional Organization, (2) A Permanent United Nations Organization, (3) A United Nations Conference, (4) An International Police Force, (5) Post-war Treatment of Japan, (6) China's place in the United Nations War Councils, (7) Chinese Emigration, (8) Minimum Welfare standards, (9) American willingness to enter into International Commitments and (10) International responsibilities of the Great Powers.

The Conference was altogether a success, though it did not solve the problems of emigration and immigration, fruitful sources of friction for the peace of the Pacific. The balance of world power-politics is shifting from the Atlantic to the Pacific. The future of world peace lies in the Pacific, and upon the successful solution of the problems of the Pacific lies the future of world peace and collective security, and the cooperation of India, China, Japan and the U S S R after the conclusion of the present war is absolutely essential for such a solution. The Report under review styled "War and Peace in the Pacific" is an indispensable document to every serious student of world affairs, to the citizen at large and to Statesmen in charge of Foreign Offices. It is to be hoped that India, with its great and varied interests in the Pacific and South East Asia will soon organise a branch of the Institute of Pacific Relations at Delhi and invite the next Conference after the conclusion of the present war to meet in Delhi and thus show practical appreciation of the good work that the Institute of Pacific Relations has been doing during the last eighteen years of its existence. India should be represented on the Governing Body of the Institute through its own National Council as problems of emigration and immigration in the Pacific are of paramount importance to her, among other important problems.

V S RAM

EARLY ADMINISTRATIVE SYSTEM OF THE EAST INDIA COMPANY, Vol I, 1765—1774, by D N Banerji (Longmans, 1943) Price Rs 15

The present volume is intended really to serve as a companion to the author's already published *Early Land Revenue System in Bengal*

and Bihar, 1765-1772, both together providing a 'comprehensive picture of the administrative and financial system of the East India Company in its early days

The scope of this book is clearly indicated by its table of contents. The book begins with an introductory chapter, 116 pages in length, containing a historical account of the Nawab's and the Company's position since 1765, then discusses in separate chapters the power and position of the Governor, the Council and the Select Committee, the Civil Service and the Judiciary, and ends with a short chapter on the basic principles of the early administrative system of the East India Company. The treatment is throughout exhaustive, and the account is elaborately documented. The numerous appendices, covering twenty-one different items, enormously add to its value as a book of reference on the period.

Three points specially emerge from the reading of Dr Banerji's book. First, that the governmental process of the East India Company was necessarily founded upon the subordination of the military to civil authority. The several extracts which Dr Banerji has given from the despatches of the Court of Directors clearly reveal the anxiety of the Court to make that the operative principle of the administration of Company's territories in India. Secondly, that the Governor, the Council and the Select Committees were generally adequate and able to discharge their proper functions as the commercial agents of the Company and rulers of the people of Bengal. Thirdly, that the Civil Service was usually corrupt, greedy and dishonest. Dr Banerji does not omit to point out that the corruption of the civil service was due chiefly to its participation in the inland trade of the country. The administrative system that the Company built up in India was in its origin that of a commercial concern, and its commercial origins fundamentally vitiated the whole system. The servants of the Company came out to India under a covenant, which permitted them the right of private trade in India from port to port. This right of private trade had, however, been specifically abolished in 1756, but such was the venality of civil servants that private trade continued to be as rampant as before, and that in 1765 there was actually formed, in spite of the prohibition of the Court of Directors, a Society or Committee of Trade, in which 'all the Company's servants except writers and also all the field officers of the army had shares according to their respective ranks' and which traded on behalf of the whole service. The formation of this Society, of which Dr Banerji gives a detailed account, led to a bitter controversy in England and contributed more than anything else to the assertion of parliamentary control over the affairs of the Company.

BOOL CHAND

MAHMUD GAWAN, by Harun Khan Sherwani. Published by "Kitabistan," Allahabad.

The work is a welcome addition to the historical literature which is being produced by students of Indian History. It pieces together scraps of information about one of the most important figures of the

Mediæval period and which is scattered over a vast and varied field. The narration is mainly based on six authorities, three contemporary and three non-contemporary. Of the former the most valuable is Riyazul-Insha, which has been very carefully examined and profitably used by the author.

It must, however, be observed that the material really pertinent to and dealing with the life of Gawan is too little to have merited a volume of 250 pages. While one can follow and appreciate the relevance of the history of Gujrat and Malwa to that of the Bahmanides, it is difficult to justify the inclusion of the history of Delhi, Jaunpur and Kashmir in a list which only aims at providing a background for the activities of this statesman. Nor does the epilogue, which deals with the closing period of the Bahmanides have any connection with the subject-matter. The same objection applies to the details of the political history of the Empire, with which Gawan was not concerned.

As it is, it is a short history of the Bahmanide Empire rather than a life of Mahmud Gawan.

B. P. SAKSENA

A NEW SOCIAL ORDER, by Eddy Asirvatham. Indian Christian Book Club, Madras. Pp viii, 387, vi. Price Rs 3. Madras, 1943.

Dr Asirvatham's book is a contribution to the discussion of the problems of post-war reconstruction with special reference to India. Approaching the subject from the point of view of liberal Christianity, the author has traversed a wide field of social organisation. He has dealt at length with the problems of economic justice, social harmony and political organisation, attended to the rehabilitation of the home and family, considered the question of leisure and recreation, and rounded up with an essay on the education for citizenship. The New Social Order of Dr Asirvatham's dream aims at the 'maximum possible justice to every nation and every people'. It is an order based on 'idealism of the highest sort,' but idealism which is tempered by sober realism.

However, the picture of the society to come which Dr Asirvatham has, no doubt laboriously, painted on so impressive a background is not half as impressive. There is much by way of criticisms of the existing system of society in the economic, political and social spheres. There is much also by way of suggestions for the improvement of the existing state of affairs. But they appear to be altogether unco-ordinated. Compare, for instance, his treatment of Gandhian Economy in Chapter II (p 32) where he says that "Decentralised production and consumption is likely to intensify our social and political divisions" in advocating some form of collectivism, and his observations on making democracy successful in India in Chapter VIII (p 161), where he commends the political as well as economic self-sufficiency of the village after the Gandhian style for our acceptance. Or, look at his treatment of caste and class in the Chapters on Social Harmony. After exhorting the Indian youth (p 71) to change their outlook towards their humbler brethren (of the lower castes) which

education has not materially changed, he says in the opening sentence of the next chapter that "while caste is gradually breaking down " If caste is gradually breaking down what was the point in wasting twenty pages of good paper to reach the conclusion "reform (of the caste system) can be and should be achieved by the method of persuasion, by love not hatred, by consent not by force, etc "

The urge to seek a new social order at the present moment is to be traced to the condemnation of the existing order of society which the occurrence of two world wars within the life-time of a generation constitutes. Against the sombre background of the war, men can be roused to the depths of their being by a vision of the future which restores to them their confidence, dignity and humanity. No effort will be considered too great for the realisation of such a vision while men are yet tuned to a high pitch of activity under the stress of war. Instead of suggesting a method for mobilising this colossal enthusiasm and energy for the rapid transformation of human society, Dr Asirvatham harps on the desirability of such placid modes of social change as education, moral persuasion and religious appeal. It is exactly under these that a sense of frustration and desperation is bound to grow among those who have been looking forward to a better world order within their life-time. Dr Asirvatham does not appear to be concerned with the psychological necessity of getting things done *now*. He is prepared to trust to the time-table of persuasion for bringing about far reaching changes like the collectivisation of production. Not only that, but throughout his book Dr Asirvatham has said far too little about *how* things are to be changed, though quite a lot about *what* those changes should be. He is content to leave the process of change to the Christian virtues of love, mercy and charity. In fact, what he aims at is, contrary to his initial profession, not so much a New Social Order as a new social ethics. Otherwise he could have easily seen that the social order manifests itself through an institutional framework to change which is a necessary pre-condition for a new social order. Unless that were so, how can one explain why the moral appeal of Christianity through all these centuries has not produced the Kingdom of God long ago?

S V KOGKAR

GEOGRAPHICAL FACTORS IN ARABIAN LIFE AND HISTORY, by Dr I Ullah, M A, Ph D 150 pp Price Rs 4|8|-

This excellent dissertation of the political, social and economic setting of the Arabs in relation to their physical environment by Sh Inayatullah is definitely an advance in unfolding to the world how the history of the Arabs has been controlled by those conditions and phenomena which we classify together under the title of Geography. No history, social and political institutions and economic development of a country could be complete without fully understanding the story of man's increasing ability to control energy in varied forms which has been endowed to him by nature. It has nicely been dealt in the pages of this book. The titles and their contents show the author's realistic



approach of varied and multifarious problems connected with the life and the institutions of the Arabs

There is, indeed, a good material in this book that belongs to the field of economics, politics, history, science, sociology and nutrition and the author has dipped into these fields which are a bone of contention between the social scientists as to who is specialist of what. As a student of Political Geography I would say that the task of the Geographers is to put before the world the distinct province of Political Geography which is how to use such facts of his fellow natural and social scientists as will be of assistance to him in building up regional and relationship concept. This book is by no means an exhaustive study in that respect yet it possesses the fundamentals of the qualities necessary for a descriptive study of inter-relationship between regions, peoples and their environment. It is regrettable that the author has failed to produce maps in this book. Map is a device which is fundamental to Geographic method. By the use of maps, the author could easily have aroused better consciousness of the relations between natural things and human imprint on them. Otherwise the book is highly commended.

M H RAHMAN

#### A NOTE

Dr A P Appadorai's paper entitled "The Revision of Democracy" which appeared in the July-September 1943 (Vol V No 1) issue of this journal forms part of a book by the same author entitled 'REVISION OF DEMOCRACY' published by the Oxford University Press.

RAJA SIR T MADHAVA RAO'S PRINCE  
OR  
THE LAW OF DEPENDENT MONARCHIES\*

BY  
PROFESSOR S. V PUNTAMBEKAR

*Hindu University, Benares*

Two Madhavaraos stand out prominent in the political thought of the latter half of the 19th century. One is Raja Madhavarao Rubgunde (1828-1891) and the other is Justice Madhavrao Ranade (1841-1901). Both had a brilliant students' career and were considered intellectually very great in that period. The first one was an efficient and successful administrator in the great Indian States, the other was an eminent judge and thinker in British India. They took a leading part in the political reconstruction and reform of the country and also contributed to the political thought inspiring that reconstruction and reform. One taught the rulers the theory and art of liberal and reformed government and the other educated the people and inspired them with liberal ideals of reform and principles of national service. I shall deal here with some of the political ideas of Raja Sir T. Madhavarao as expressed in his book called *Minor Hints*. The title is unsuggestive. The book contains weekly lectures delivered by him to H. H. the Maharaja of Gaekwar, Sayaji Rao III, in the year 1881. It may aptly be called *The Prince* or *The Law of Dependent Monarchies*. It consists of 46 short chapters and 367 pages written in the form of advice to the young prince of Baroda when he was to ascend the throne in 1882. It expounds the principles of good government for a ruler. It is an elementary grammar of politics for the use of Indian princes who were taught what is right and wrong politics.

India is poor in political theory. She has a number of treatises on the art of administration and on the

\*A paper submitted to the Indian Political Science Conference, Sixth Session, Lucknow, December, 1943

theory of good government, but there is no outstanding political thinker dealing with the theory of the State, its why and wherefore, its whereto and wherefrom. Nor does any one of them possess any real theory of history or original political or ethical idealism which would give us any new and striking political theory. They either ally themselves with the old religio-social ideals and concepts, or with new types of western, radical, revolutionary or liberal theories. Hence they are largely revivalist or imitative and interpretative. Whatever good or useful there is in their thought is primarily borrowed. Hence this great dearth of original political thought in our country. None of them has examined the social experience or history of man afresh and in the light of their own national experience and history and have come to any fresh conclusions on the laws of history, society and politics.

No theory of the State is ever intelligible save in the context of its time. What men think about the State is the outcome always of the experience in which they are immersed, as Laski says. But they should possess a power of fresh approach and keen intelligence to interpret that experience afresh. The British established a new imperial order in India by 1850. There were two Indian political worlds existing at that time. One was the old Indian feudal world and the other the new British Imperial world. There were two views of political and social life prevalent at the time, one eastern and the other western. These two worlds were influenced and disturbed by the 19th century liberal movements of nationalism, democracy and reformism. Whatever new political thought we find in India was the outcome of these influences.

Four political schools have developed in India during the 19th century —

- (1) Feudal School in Indian States
- (2) British Imperial School
- (3) Liberal national and democratic school, and
- (4) Communal School in British India

The feudal school accepted the fact of British paramountcy and its political limitations on the sovereignty of States in the interests of preserving those States. It however wanted to develop under the existing limitation the feudal Indian State into a model state and its Prince into an 'ideal ruler'. They could not think under the existing

circumstances in terms of independence, but only in terms of autonomy, privileges and rights under the treaties with the British Government. They thought in terms only of good government and successful administration. In their limited sphere and scope they developed some political ideas of good government and some sound principles of administration and law. Here also they were influenced by British ideas and adopted them to their own needs. Therefore the fundamentals of their political thought are limited by (1) the fact of British paramountcy and the control of British power, (2) the fact of hereditary monarchy in the State, (3) the fact of an impossibility of rebellion in the State by the people. These limitations naturally led feudal thinkers to evolve only a theory of good government and of a model ruler who will please the foreign paramount power and promote peace, health and happiness of his people. Hence then theories could not be in any way radical, but could be only moderate, liberal and reformist. All their theories and principles of good government could not get away from the facts of foreign rule and a hereditary monarchy. Theories of Swaraj or representative and responsible government had no scope in those circumstances. These 19th century thinkers were not even remotely aware of any democratic theories or federal schemes which have now developed in the 20th century in relations to Indian States. They have now developed in response to the British Indian movement for Swaraj and for an All-India federation.

Indian theory of monarchy is primarily a theory based on the fact of conquest by the founders of various dynasties of Indian States, and on the accepted law of hereditary—or adopted succession. There is no other sanctity or philosophy behind it. But a political thinker who accepts the fact of such monarchy based on force tries to hedge it round by some religious theory or ethics of good government or hereditary right or a theory of mystical trusteeship. Under such a process of thought the ruler is supposed to embody a sort of transcendent symbol of unity which soars above the desires and interests of a transient majority. He is the State—both the Government and the people in its highest or real aspect. In and through his words and acts the State comes to real life. His decisions are to be regarded as final unless he himself changes them. His authority is inherent in him. Initiative and control rest with him.

He embodies and represents the general and real will of the State. There are no fundamental rights of citizenship, no fundamental duties of the government. The theory of law being above the King has only a very limited value and scope. The King is the sovereign in State matters. The people have no independent place or part to play in the government of the State. The government consists of the ruler and his nominated officers. There is no government by the people but only for the people. A feudal political thinker can therefore only theorise on the contents of good government, on the organisation of efficient administration and in a subordinate way on the introduction of elementary or local self-governing institutions with partial responsibility in a limited sphere of enumerated subjects. He cannot think in terms of democratic theory of full representation and full responsibility. Theory of conquest does not allow him to theorise about the true origin and basis of the State and the location of sovereignty. He can only tell us what ought to be the functions of a good ruler and his officers and how the ruler should behave towards his people and his officers, and how he should organise his private household and his public administration from the point of view of his own security and welfare and the peace and happiness of subjects.

There is a fundamental difference between this feudal outlook of submission to foreign power and preservation of dynastic states and the democratic outlook of elimination of foreign rule in the country and the elimination of feudal states for the sake of national independence and unity of India. Hence feudal India and Statesmen are very poor in any kind of high democratic philosophy. Even their monarchical philosophy is limited by the fact of foreign paramountcy. The only interesting part of their writing is that their theory of good government tries to accept the British principles of good government and to apply them to Indian States. They do not accept its principles of self-government. They recognise that times, condition and circumstances of Indian political life have changed and old misgovernment and autocracy will endanger Indian rulers if not Indian States. The presence of British Government, the new political ideals of the awakened people, the general progress and political awakening in the country, the tests of good government—all these make it incumbent on Indian Statesmen to develop their theory of good government and adapt it to the Indian States.

Sir T. Madhavarao who became the Dewan of Travancore (1857-72), Indore (1873-75) and Baroda (1875-82) in succession had to work under these limitations of notions of good government. His book which I have called *The Prince* theorises about what ought to be good government in an Indian State. He was the most distinguished Statesman of the 19th century. He belonged to the new reformist school and his mind was deeply tinged with liberalism. He brought peace, order and reform in these states when they were in danger either of British annexation, or British usurpation of their administration because of the anarchy and misrule, corruption and intrigue prevailing there. Finance, revenue, police, public health, education, public works, palace department, public services, he organised them all and made them efficient and uncorrupt. He left an indelible mark on the administration of these states by his ability, character, efficiency and statesmanship. In the opinion of Raja Ram Varma, the enlightened Prince of Travancore whose Tutor and Dewan he was, "what Pericles did for Athens and what Cromwell did for England that Sir Madhavarao did for Travancore." He created it a model State. Henry Fawcett M.P. in a speech in Parliament called him the "Turgot of India." He had an iron will and carried it out with an iron hand. Prince Bismarck was struck with his suggestion for the administration of African colonies and thanked him in a personal letter. He did not belong to the old school of statesmen like Raja Sir Dinkar Rao Rajwade of Gwalior (1819-1896) or Nawab Sir Salar Jung of Hyderabad (1829-1883) who saved their states in the years 1857-1858. He was greater than the two. He belonged to the new school which was reformist and receptive of ideas of good government. He both saved and reformed the states on the principles of modern and just administration. It is stated that India is not likely to produce such men as Nawab Sir Salar Jung and Raja Sir T. Madhavarao more than once in two or three centuries. No doubt their achievements are great. Madhavarao outshone his contemporaries in intelligence, ability and culture. He peered above his contemporaries in administration, tact and political sagacity. But he was not radical or extremist but moderate. He fully imbibed the spirit of western life and thought, its principles of administration and law. He was fully convinced of the benevolent and just intentions of the British government towards Indian peoples and states. There was no anti-British feeling in him. He was pro-British. He did

not belong or sympathise with the Jihad or independence school of 1857-58. He wanted to extend the best principles of British administration to Indian States. He wanted to create model princes and model states. The idea of India's political unity and independence did not come within his horizon. His views on the broad facts of Indian politics were (1) that the British government exercised supreme sway over the whole of India and maintained general peace in this vast area, (2) that it fulfilled this great function with a power which was irresistible and that it was a power which could crush any resistance, (3) that it derived this power from a combination of physical with intellectual and moral power, (4) that it was far more powerful and far more durable than any empire which had preceded the same, (5) that every Indian prince should conciliate British government which possessed irresistible power, (6) that his safety, honour, strength and happiness depended on its support and conciliation, (7) that conciliation was an absolute and unavoidable necessity of the situation and circumstances in which princes were placed, (8) that it must be accepted cheerfully, (9) that it was not difficult or costly, (10) that the British government possessed the noble qualities of reason, justice, morality and moderation and was open to argument. "With all the unavoidable disadvantages of being a foreign government the British government was really far more powerful and far more defensible than any that preceded it. In spite of its errors and failures India cannot have any other better or even an equally or nearly equally good government. It is most desirable that it should last because of its first principle to promote the happiness of the people as a whole. British political principles and institutions are such that they promote happiness of the people. Indian States therefore should build their public policy upon these facts and principles. They must appreciate the benefits of British rule and connection, and must remember that no opposition to the British government by physical force was possible. The complete security of their states lay in this. The Queen's Proclamation of 1858 had guaranteed this. The British government would not take any territory from any native State. It might depose a ruler for misrule or sedition but would preserve the state and dynasty. The doctrine of lapse was abandoned. The right of adoption was sanctioned. Rebellion of the people was not allowed. Their rights, dignity and honour were safeguarded. Therefore the best course for an Indian ruler and the best aim of the Indian state

was to govern well ' The whole of this argument is purely secular and political There is no place here for Ranade's theory of divine dispensation about British rule It is based on the fact of possession of superior political power by the British and its recognition by the Indian rulers in their own political interests

According to him the Raja is primarily responsible to the British government But this is not the only responsibility he contemplates "He is responsible to God, and to his own conscience He is responsible to established principles He is responsible to his people He is responsible to the British government He is responsible to enlightened public opinion in general" His responsibility is therefore five fold He must therefore become well acquainted with those principles of good government which will enable him to discharge these responsibilities satisfactorily. He must learn those principles and educate himself for working them out in his government The first and foremost duty of the ruler is to promote the happiness of all the people This is the supreme test The ruler is a trustee of State power and public funds His power is not arbitrary and absolute. It has limitations His personal interests must be subordinated to the needs of public welfare The aims and resources of the State place limits on his personal actions and palace expenditure The private and public aspects of his life must be properly balanced and adjusted State interests are however higher

He emphasizes the view that "the Raj (State) is not Maharaja's private estate, but it is a public trust" The ruler is entrusted with public revenues under an obligation to spend them for public advantage. The King's interests are therefore to be reconciled with this grand principle, and he asserts they are reconcilable The ruler can make himself happy along with the happiness of the people There ought to be no antagonism between the two Maharaja should be the father of all his people

The old school of Nawabs and Sardars regarded the State as made for the Maharaja and for themselves The ministers and officers were to collect the largest revenues possible and to make them available for the happiness of the Maharaja and themselves There was no importance attached to the material welfare and happiness of the people. A Maharaja as the ruler represents the power of the State and is the depository of the greatest wealth and power of the State and



should devote himself to the public good "Sovereign power is solely entrusted to him for the safety of the State and the happiness of the people" The primary responsibility for the good government of the country rests on the Maharaja. His chief function is to supervise, control, admonish and finally decide all government matters. In this view of monarchy in an Indian State our Statesman is not guided by any theory of divine right of Kings, their absolutism, arbitrariness and irresponsibility. He propounds no doubt a paternal theory based on the idea of trusteeship. But his King is the highest representative and Servant of the people, and is guided by laws and obligations which make for the happiness of the people. He has a five-fold responsibility. His conception of the people contains all his people, all classes, creeds and communities. It is not tinged with any religious, racial or caste exclusiveness, nor with any official, social, or religious distinctions. All are to be treated equally with the same favour and consideration. There was to be equal and impartial justice dispensed to all people irrespective of their class or creed. There was to be no partiality to favorites, dependents, friends or particular communities. There were to be no unequal taxes. Public employment was to be open to men of merit duly qualified for the post from all classes in due proportion.

In propounding the functions of the government and defining the scope and province of its action he advocates the liberal view of the State activities for the promotion of the happiness of the people. He lays down that the government should not interfere in that which each individual of the community may obtain for himself by means of his own exertions, his industry, intelligence, economy and foresight, but the action of the Sirkar (government) as representing the whole community should secure for the individual that which he cannot obtain for himself by his own exertions—namely—protection of life, property, person, claims on others, rights to labour, justice, good roads, health, medical assistance, schools etc. If the Sirkar fails in this, individuals cannot enjoy and keep secure that which they acquire by their own exertions.

Therefore the essentials of good government according to him are (1) good, efficient, adequate, uncorrupt and disciplined police, (2) sufficient military force to support the police force in case of need, (3) proper machinery for administration of justice which is dealt out without any delay or favour to the high and low, (4) good, uncorrupt,

efficient and impartial public servants appointed according to merit, well-paid and enjoying security of tenure, (5) the ruler performing the duties of superintendence, coordination and control, and watching the work of justice, administration and police and getting it done. The ruler is not to do everything himself but to lay down the policy and laws and see them carried out by his officers and subordinates. According to him the laws of the country should be based on the great and universal principles of justice known to the civilised world. They are meant to promote peace and happiness of all the people. New laws are not to be passed hastily. Good customs are to be retained. Before they are passed, judges, ministers and principal members of all communities are to be consulted. The ruler should agree with the opinion of the majority. He does not contemplate of any legislature to pass new laws. The King is regarded as the maker of laws. Laws are however not to entrench upon the domain of religion. The State should be neutral and impartial in its religious policy. It should allow every individual to practise any religion he likes, provided he does not thereby injure others or violate the rights of others. The best policy for the State to pursue is not to curtail unnecessarily his personal liberty but to leave each individual to make himself happy in the manner he judges best, provided he does not injure others. Every governmental action or measure which materially affects the person, property or liberty of the people should be the subject of regular laws framed and passed in the ruler's name in due form. This will ensure greater precision and uniformity in administration and justice. It will carry greater weight and create a sense of security and responsibility in the people. Rulers, their ministers and officers and citizens must respect the laws of the country. That ruler is truly great who constantly respects the laws which he has made and designed for the good of the people. Manu's teaching that "Law is the King of Kings" is emphasized by him. He advocates the rule of law for the ruler. He wants the people to be ruled by good rulers and good laws. There ought to be no contradiction between them. The question is not good rulers *versus* good laws. Both are necessary and complementary. A good ruler is the defender and guardian of good laws. He should submit to the laws himself as they are the foundation of public peace, tranquillity and welfare and also the firmest support of the sovereign authority. Rulers have duties and responsibilities, not merely privileges and prerogatives.

He insists on differentiating between the royal household or palace and the public administration (Huzur Kutcheri) that is, between the private household of the King, and the crown as a public trustee and sovereign political power of the State. The first duty of the ruler is to the State and 90 p c of public revenue should be spent in satisfying the needs and happiness of the people. Only 10 p c are to be spent on the palace requirements. Hereditary principle will be useful in making appointments in the Palace Department but it is detrimental in making appointments to public services, and should therefore be avoided.

According to him good government is both a science and an art. The interests of the people are numerous, complex and conflicting. Therefore problems of good government require to be carefully studied, directed and supervised according to regular laws, correct principles and rules of good government. Every good government must be self-acting, self-regulating and self-correcting. To achieve this the laws and machinery of government should be properly made and organised. No doubt the primary responsibility for the good government of the country rests on the ruler. But he must have good ministers and expert officers, and good and regular laws to conduct it properly. For this purpose organisation and discipline in administration are greatly necessary. There should be a complete harmony of ideas and policy between the ruler and his ministers and officers. In short the executive should work on a unitary basis. The ruler must be the guiding hand, the watching eye and the coordinating head. He must make the executive collectively responsible for good administration. The ministers and officers must not only be intellectually and morally strong, but also possess the ruler's confidence and must be warm well-wishers and friends of native States and protect their legitimate rights and privileges. They must also possess and show respect for the British government. They must know the country and people well. The government should not interfere unnecessarily in the liberty of the individual. The government will do well to limit its actions to matters which affect the community, such as general cleanliness, sanitation, public health, education, public works, provision of essential needs and minima of life. It must protect life, person, liberty and property. These are essential functions. In welfare functions it should not go too much in advance of the views and wishes of the people and consider their state of intelli-

gence and education. Government must provide opportunities, facilities and freedom for better life to the people and allow free scope to their natural motives and exertions. It should generally abstain from undertaking any work which would otherwise be done by the people themselves, but at the same time it should look after their physical, intellectual and moral advancement. The state should take an active and leading part in the education and aim at making the people useful and orderly citizens. It should teach general and universal morality and encourage higher education. But it should not indulge in giving special religious instructions.

Madhavarao's ideal prince has no national or international politics. National politics would destroy his state as completely as international politics would lead to its annexation by the paramount power. Thus he has no place in the real politics of the country or world politics. He is purely a subordinate feudal lord with some limited political powers to look after the welfare of the people of his own state. Within the State there is no taming of the ruler's power by any democratic ideas of people's share and control in that power, but only by limitation, separation and devotion of functions, by safeguards for minorities, by limited freedom for individuals by an efficient bureaucracy, by the moral and intellectual education of the ruler in the science and art of good government, by an emphasis on promotion of people's protection and happiness as the ruler's ideal, by the theory of his essential duty of supervision and control, and by making his possession of power as a means not as an end in itself. There is here no politics of aggression or expansion, no politics of independence, but purely of preservation and integration.

Concerning these dynastic monarchies it may be said, what Machiavelli says about ecclesiastical principalities, that all their difficulties are prior to getting possession of the State, because they are acquired either by capacity or good fortune, but they can be held without either, for they are sustained by the ancient traditions of loyalty and religion and British garrison, which are so all-powerful, and of such a character that the principalities may be held no matter how their princes behave and live. These princes alone have states and do not defend them, they have subjects and do not rule them, and the States, though unguarded, are not taken from them, and the subjects, though not ruled,

do not care, and they have neither the desire nor the ability, to alienate themselves. Such principalities only are secure and happy and being exalted, maintained and upheld by powers which Indian subjects cannot dislodge it would be the act of a presumptuous and rash man to discuss them.

As the preservation of a dynastic state is the main aim for which a theory of good government is propounded, the writer's scope limits itself to make the ruler ideal and his mechanism of government efficient and uncorrupt. Madhavarao's political thought is merely a subordinate branch of the British Imperial thought whose main props or principles are based on the theory of conquest, possession of superior military force and political power, and theory of a superior race. These props are enveloped in meshes and fictions of a government established by law, and are held fast by the facts of superior physical race and force. Both theories are anti-democratic and give no place to people's sovereignty, initiative and control, to real representation and responsibility to the people. Essential power, privileges and prerogatives are retained by imperialists and feudalists in the hands of the conquering race or conquering dynasty. In modern times and political philosophy these political thoughts are not only discredited but are condemned by all sound political thinkers who want to raise peoples and nations to higher stages of life and prosperity.

In conclusion we may state that Mahdhavarao's political thought is confined to the needs of security and progress of an Indian State under the British paramountcy. It does not speculate on the origin of the State but emphasizes the necessity of government for the happiness of the people. It recognises the fact of conquest and hereditary succession as the sanctions of ruler's authority. It lays down the necessity of possessing superior physical, intellectual and moral force such as the British government possesses for an enduring State or empire. He does not deal with the problem of State's sovereignty and independence, but describes the nature of sovereign power and political status an Indian state possesses under British paramountcy. He does not devote any thought to various forms of government. He is only interested in the Indian state as it is, and in its hereditary monarchy. He sets out the nature and limitations of that monarchy. He does not contemplate of any divine right of monarchs. He agrees with the theory

of deposition of bad monarchs, but wants to maintain the state and does not believe in its submergence in a larger unit or in its total elimination. His ideas of state, politics and citizenship are purely secular and not based on any a priori racial or religious or social or economic conceptions. He does not adopt any democratic conceptions of popular legislature, representative and responsible government. But he advocates the theory of the Rule of Law in matters of administration and justice, and a regular system of courts and departments, and an established system of principles and procedure. He believes in a theory of good and progressive government for the people but he is silent about a government by the people. He wants the government to do both protective and welfare functions. In this connection his ideas are of liberal school. He does not want the State to interfere in the activities of the individual which he can perform satisfactorily by himself. In other cases where social or communal interests are involved he wants the state to take an active part. He advises avoiding extremes and believes that statesmanship is a series of compromises and the art of the possible. He does not deal with geographical, psychological or ethical problems underlying the existence and maintenance of the State, though there is a great understanding of ethical and psychological influences apparent in the advice he renders to his Prince. The book may be named "The Law of Dependent monarchies" or "Ideal prince" or an elementary grammar of politics as conceived and propounded for the Indian States between 1857-1917. But it does not take into consideration the democratic forces which gradually begin to dominate the politics of India in the last quarter of the 19th century. Madhavarao was opposed to democratic tendencies, and was not a radical thinker.

# THE POLITICAL THOUGHT OF SIR SYED AHMAD KHAN\*

BY

PROFESSOR H K SHERWANI

*Osmania University, Hyderabad-Deccan*

## The Background ·

The first part of the nineteenth century was a time when the remnant of the great Mughal Empire was fast heading towards its extinction. The titular Emperor was the second of the name of Akbar, but one who had nothing in common with his great ancestor the like of him the world has rarely seen. After the fall of Delhi to the arms of Lord Lake in 1803 the Empire of the Mughals had been confined to the great fort, the decimated buildings of which surrounded by the magnificent enclosure are still the wonder of the traveller.<sup>1</sup> Still the Court etiquette, the *entourage* of the Emperor, the titular nobility and the patronage of the throne, however nominal they might have become, were guarded with jealous and punctilious care. This was the atmosphere in which Syed Ahmad was born on 17th October, 1817. His paternal grand-father was a *hazari* and enjoyed the title of Jawwadu'd-daulah Jawwad Ali Khan, while his maternal grand-father had known the service of the East India Company as an attache to Lord Wellesly's embassy to Iran in 1799, and then as a political officer at the court of the King of Burma at Ava. He then returned to the court and was appointed Prime Minister by Akbar II. On the death of Syed Ahmad's father Syed Muhammad Taqi, who had lived a life more or less of a recluse, Akbar II's son and successor, Bahadur Shah II, the last of a great line,

\*A paper submitted to the Indian Political Science Conference, Sixth Session, Lucknow, December, 1943

<sup>1</sup> As is well-known the Palaces within the Fort covered practically all the grounds on which the barracks now stand, and the lawns which were laid out after their destruction. Fergusson has given a full description of the buildings of the Fort in pre-Mutiny days as well as a complete plan. For this see his *History of Indian and Eastern Architectures*, II, 309-312, also Sir Syed Ahmad Khan, *Athar-i-Sanadid* (compiled in 1847), Cawnpore 1904, pp 284,

gave the Syed the titles of Jawwadu'd-daulah Anif Jung, the first of which had been left vacant by the death of his maternal grand-father

But the future leader of men could not be content with life at the court of a nominal Emperor, and joined the service of the Company as a Sarishtadar at Delhi when he was twenty and was later appointed a Naib-Munshi at the Commissioner's court at Agra rising soon to the office of Sadr Amin or Subordinate Judge of his own home town, Delhi. It was now that he wrote his first considerable work the *Atharu's-Sanadid* or the Archaeological History of Delhi which made such a mark that it was soon rendered into the French language by that great orientalist Garcin de Tassy and found its way to England. He was transferred from Delhi to Rohtak and thence to Bijnor in 1855, and it was while he was stationed at the latter town that he had to undergo the trials of the great revolt known in history as the Indian Mutiny<sup>2</sup>.

### 1857

The storm and stress of any great upheaval is in itself a period of tremendous turmoil especially when it closes a chapter in the history of a people. The Mutiny saw the end of a long trail and the final disappearance of the reigning house of the Timurids including the nobility which had been the mainstay of the people for centuries. The old was no more and the new had not yet arrived, with the result that the harvest of the Mutiny was a great chasm personified in the mutual distrust of the new *de jure* rulers of the land and the followers of the religion of the ex-Emperor. While the English continued to regard the Indians, in particular the Muslims, with grave suspicion, the Muslims on their part considered everything British—their way of life, their mode of dress, their food and even their language—as something unclean, something to be shunned. The old days of the happy-go-lucky merchant-adventurer from England who set up his establishment in the Indian style, dressed *à l'Indienne*, ate as his fellow-men did in India, spoke the language of the country and even composed poetry in Rekhtah or Urdu, had passed, and there were signs that

<sup>2</sup> For the early days of Sir Syed see Graham, *Life and Work of Syed Ahmad Khan* (written during his life-time in 1885) and the fuller *Hayat-i-Jawid* by Maulana Hali. The reviews of the former were published separately in a book-form at Aligarh in 1886.



all would not be happy with the Indian and the Englishman in spite of the Proclamation of Queen Victoria which she issued on her assumption of the sovereignty of India in 1858<sup>3</sup>.

As Syed Ahmad was a pioneer in the archaeological description of Delhi, so he was the first to write the history of the Mutiny in his *Tarikh-i Sarkashi-ye Bijnor*, in which he has delineated with great vividness all that passed before his eyes in that Mutiny-ridden town<sup>4</sup>. But this need not detain us. Probably, again, the first effective political pamphlet ever written in an Indian language is his *Risala Ashab-i-Baghawat-i-Hind* which was written while Syed Ahmad was a Subordinate Judge at Moradabad. The brochure was compiled in Urdu in the year of the Mutiny, 1858, and was not translated into English till fifteen years later by Sir Auckland Colvin and the Syed's English biographer Lt.-Col. Graham. The pamphlet is a unique piece of work having been written in an atmosphere of great tension by one who, besides being a Government servant had no political education worth the name. Here was this man of forty, undaunted by what he had seen around him, analysing the causes of the Revolt and putting the blame on the English for not having admitted the Indians to the Indian Legislative Council<sup>5</sup>.

### Early Political Thought .

The latest Urdu edition of the work extends to 66 pages, while there are twenty closely printed pages of extracts from the English translation in Graham's "Life of Syed Ahmad Khan". The author first of all defines rebellion as meaning (1) fighting against the established government of the country, (2) opposition to the orders of the established authority with a view to defeating its purposes in the end, (3) helping those who are the enemies of the established authority, (4) Civil War of the subject peoples among themselves without regard to the disciplinary laws in force, (5) lack of sincere loyalty towards the Government

<sup>3</sup> For the conditions of pre-Mutiny English Society in India see T. G. P. Spear, *The Nabobs*, Humphrey Milford. For some lines of Urdu poetry composed by a European see quarterly "Urdu," 1927, 633.

<sup>4</sup> For this see *Hayat*, 57.

<sup>5</sup> *Risala Ashab-i-Baghawat-i-Hind*, limited and confidential edition printed in 1858, second edition, Agra, 1903, profuse extracts from the English Translation in Graham, 33-57.

and the desire not to side with it in time of need. He says that during the terrible days of 1857 there was not one of these points which was not found among the people and the *affaire* was a rebellion of the first magnitude<sup>6</sup>. He says that the "primary causes of the rebellion are everywhere the same. It invariably results from the existence of a policy abnoxious to the dispositions, aims, habits, and views of those by whom the rebellion is brought about . . .

.. .....As regards the Rebellion of 1857 the fact is that for a long period many grievances had been rankling in the hearts of the people. In course of time a vast store of explosive material had been collected. It wanted but the application of the match to light it, and the match was applied by the mutinous army".<sup>7</sup>

He brushes aside one by one all the supposed causes of the Mutiny and discredits some of them entirely while some he regards as too remote. He then says in a manner so categorical as to be bewildering that he considers the root cause of all the trouble to be one and one only, and that is the non-admission of the Indians to the Legislative Council of India. He first of all discusses the question of the admission of his countrymen in the British Parliament and regards this as both impracticable and conducing to nothing beneficial to India. But "there was no reason whatever why Indians were not admitted to the Legislative Council of their own country"<sup>8</sup>. "It is from the voice of the people only that Government can learn whether its projects are likely to be well received, and this voice alone can check errors in the law and warn us of dangers before they burst upon us and destroy us"<sup>9</sup>. He narrates how the Government continued to pass laws which were regarded by the Indians to be repugnant to all they held dear. "At length came the time when all men looked upon the English government as slow poison, a rope of sand, a treacherous flame of fire. . . . . There was no man to reason with them, no one to point out to them the absurdity of such ideas . . . . . Why? Because there was not one of their own number among the members of the Legislative Council." He goes on to say that although there are difficulties in the way in which the "ignorant and

<sup>6</sup> *Risala*, 1

<sup>7</sup> *Life*, 33

<sup>8</sup> *Risala*, 12

<sup>9</sup> *Life*, 36

uneducated natives of Hindustan should be selected to form an assembly like the English Parliament but whatever the difficulties such a step is not only advisable but absolutely necessary" <sup>10</sup>

As may well be gathered, there were bickerings among Syed Ahmad Khan's friends who said that a brochure like this should never be printed and published at all, and one of them, Rai Shankar Das, actually begged him to burn all the copies he had. But Syed Ahmad Khan had the pamphlet printed, sent a copy to the India Government and 500 copies to members of Parliament. There were men in the Government of India, like the Foreign Secretary Mr Cecil Beadon, who began to consider him as a fire-brand but even they had to change their opinion when it was known that the book was not published in India at all <sup>11</sup>. It is significant that a couple of years after the partial publication of the "*Causes*" came the first India Council Act of 1861 where Indians were admitted for the first time in the Governor-General's Legislative Council <sup>12</sup>.

Along with his plea for the inclusion of Indians in the Councils of the Crown he had tried to prove that the Revolt of 1857 was not the work solely of the Musalmans but of irresponsible members of the whole Indian community. This thesis he further propounds in a series of pamphlets called "*The Loyal Muhammadans of India*" which he published in 1860. As Sir Syed's Urdu biographer, the great poet Hali says "whatever articles, brochures and books written by Englishmen one opened, they were found to be full of calumnies against the Musalmans," <sup>13</sup> and Syed Ahmad Khan began to publish in a serial form the episodes in the life of those who had stood by the British during the dark days of the Mutiny. This should not lead us to think that he had disowned one jot from his pan-Indian outlook, and when he

<sup>10</sup> *Hayat*, 50, 51

<sup>11</sup> *Hayat*, 61, 62

<sup>12</sup> Under the Indian Councils Act of 1862 not less than 6 and not more than 12 "additional members" were nominated to the Governor-General's Council, with the proviso that not less than half of these were to be non-officials. The Executive Councillors were ex-officio members of this enlarged Council. Syed Ahmad Khan was one of the non-official members from 1878-1882.

<sup>13</sup> *Hayat*, 63. "*The Loyal Mohammedans of India*" was not a pamphlet as Graham says on p. 58 of his book but consisted of a series of pamphlets compiled in 1860 and 1861, *Hayat*, 64.

began to consider that the panacea for the ills of India was education and nothing but education he was thinking only in terms of Indians. He said once to Col Graham that the socio-political diseases of India may be cured by this prescription and his first attempt to fulfil this purpose was to open a school at Muradabad as early as 1858 which was to specialise in Modern History <sup>14</sup> In 1864 he had made up his mind that Indians must first be educated and their ignorance obliterated in order that they should be useful to their country, and by education he meant instruction in modern arts and sciences. He was a Sadr Amin at Ghazipur when he inaugurated the Translation Society which was to develop into the Scientific Society of Aligarh. The work of the Translation Society, as its name suggests, was to have important books on literature and arts translated from English into Urdu and thus to bring Indians not knowing English abreast with modern thought. A short time afterwards he founded the new Ghazipur School, which, by the way, still exists, and in his opening remarks referring to the recent promulgation of the Indian Council Act of 1861 he said "Gentlemen, the decision of the British Government that natives of India should be eligible for a seat in the Viceroy's Council both rejoiced and grieved me. It grieved me because I was afraid the education of the natives was not sufficiently advanced to enable them to discharge the duties of their important office with credit to themselves and benefit to their country ..... The appointment of natives to the Supreme Council was a memorable incident in the history of India. The day is not far distant, I trust, .. .. when that Council will be composed of representatives from every division or district and thus the laws which it will pass will be laws enacted by the feelings of the entire country. You will, of course, see that this cannot come to pass unless we strive to educate ourselves thoroughly" <sup>15</sup>

### "The Scientific Society"

This last sentence sums up Syed Ahmad Khan's whole further line of action. He began in 1858 by urging the need of associating Indians in the law-making bodies of the Government but soon perceived that they lacked knowledge in modern sciences and arts and immediately turned his

<sup>14</sup> *Life*, 70

<sup>15</sup> *Life*, 72

<sup>16</sup> *Life*, 84

attention to make them worthy of the position they were to hold. He predicted that if they were fully instructed in modern sciences they would have a council almost as wide as Parliament itself with representatives of every district on it.

It was with this object in view that on his transfer from Ghazipur to Aligarh in April, 1864 Syed Ahmad Khan transferred the paraphernalia belonging to the Scientific Society to Aligarh. With the help of Col Graham he persuaded the Duke of Argyll to be its President and the renovated Society was opened by the Commissioner of the Meerut Division on February 14, 1866<sup>17</sup>. But Syed Ahmad was still not averse to bringing home to his fellow countrymen the need for their interest in political matters. He expressed his ideas in a speech delivered at Badaun on May 10, 1866, thus: "It is with great regret, my fellow countrymen, that we view the indifference and want of knowledge evinced by the people of India with regard to the British Parliament. Can you expect its members, gentlemen, to take a deep interest in your affairs if you do not lay your affairs before them? . . . I entreat you to interest yourselves for your country."<sup>18</sup>

It was the same theme which prompted him to start his famous Aligarh Institute Gazette on the 30th of March, 1866 from Aligarh. The motto crowning each issue of the paper is remarkable, it is "Liberty of the Press is a prominent duty of the Government and a natural right of the subjects." It is noticeable that the first article in the paper is on Parliament while successive issues of this weekly are full of political news from England and from all parts of the world. In this paper he strongly advocated time and again that Indians should join the British Indian Association, the formation of which was first advocated by the "Englishman" of Calcutta, so that the attention of the Parliament to Indian affairs might not be ignored. Sir Syed was no mere theorist, and not content with the exposition of his feelings about the matter, he actually formed a British Indian Association at Aligarh on the model of the one advocated by the "Englishman".<sup>19</sup>

In spite of his being in Government service Syed Ahmad Khan was an apostle of courage in politics. He says

<sup>17</sup> *Hayat*, 83, *Life*, 82, 83

<sup>18</sup> *Life*, 91

<sup>19</sup> *Aligarh Institute Gazette*, 3rd May, 1866

in his Badaun speech quoted above. "I am afraid that a feeling of fear—fear that the Government or district authorities would esteem you factious and discontented .deters you from coming forward for your country's good. .... Believe me that the moral cowardice is wrong, this apprehension unfounded"<sup>20</sup> Naturally a man with such ideas would proceed on purely democratic lines, and he bursts into eloquence when he envisages further "The word *liberty* has for us all a spell which causes the heart to beat more strongly, the breast to heave more proudly .... When we possess an Indian Parliament, legislating mainly for the good of the country, filled by men whose fidelity is beyond suspicion, then shall bright days of India return, or rather brighter days than ever she possessed in her best times"<sup>21</sup> In the issue of 28th December, 1866 he actually advocates the institution of an Indian Parliament. He quotes from the Hindi paper "Shakya Darpan" that the present representations of Indians in the Council is like a toy being given to a child. The paper says that it is most of the noble-men and Rajas who have the honour of sitting in the Council are by no means fit for that high position, and either they do not open their mouths at all or else make proposals which are useless to the welfare of the country. It is, therefore, urged that the councils should be so constituted as to include a goodly number of capable men from the middle classes of society. There is a remarkable plea for the establishment of a House of Commons, the seats of which should be filled by those who are recommended by petitions from the inhabitants of different districts<sup>22</sup>

### Question of Script and Language :

If there was a certain partiality towards his co-religionists connected in his series "*The Loyal Muhammadans of India*" in 1860, it had entirely disappeared in 1866 and whatever Syed Ahmad Khan was advocating then in the shape of political and general education was for the Hindus as well as Muslims. He was all along working hand in hand with his Hindu fellow countrymen, and his greatest friend Raja Jaikishan Das Bahadur, whom Syed Ahmad Khan made the first Secretary of the Aligarh Scientific Society which contained almost as many Hindus as Muslims among its members. The disillusionment came not in the political

<sup>20</sup> *Gazette*, 1866, p 111

<sup>21</sup> *Gazette*, 1866, p 399

<sup>22</sup> *Gazette*, 1866, 664

arena but in the matter of script, and that not from the Syed but from an unexpected quarter. He was fully convinced that Urdu was an embodiment of the synthesis of cultures which was the hall mark of the Mughal period, and was perhaps the greatest man after Ghalib who, by his own example had put that language on a sound footing by making it a literary language and a language of every day correspondence in cultured circles. Up till then correspondence was carried out in Upper India both by Muslims and Hindus in Persian and it was regarded as something uncultured to carry it on in Urdu.<sup>23</sup> Syed Ahmad would have none of it and the fashion he set was taken up eagerly by the country. He had himself developed a style of his own and had given a tremendous impetus to the language by his Translation Society at Ghazipur which later developed into the Aligarh Scientific Society and which was the bureau of the translation into Urdu of some advanced and technical books on the Histories of Greece, China, India and Egypt, Political Economy, Mensuration, Trigonometry, Algebra, Euclid, Geometry, Calculus, etc.<sup>24</sup> He began to have a definite bias in favour of English education but at the same time he sought to enrich the Urdu language which would lead to the institution of the great Urdu University which he had in his mind and which was later propounded in great detail by his worthy son Syed Mahmud.<sup>25</sup> In all these early attempts he had the active support of sincere stalwart Hindu gentlemen who were at his elbow to do everything towards the fulfilment of the object he had in view. In this as well as in all other matters he had never shown the slightest inclination towards sectarianism and maintained that the welfare of India demanded that Hindus and Muslims should work together hand in hand for the common good of the country. The scheme of a Urdu University was first mooted as early

<sup>23</sup> Even the Raja of the far flung Travancore State used to write to the Governor-General of the East India Company in Persian. Such letters, written towards the end of the eighteenth century, are found in the Imperial Records Office at Delhi, see paper by I. H. Baqai, *Some Unpublished Persian Letters of the Rajah of Travancore*, Proceedings of the Indian Historical Records Commission, Vol XIX, 121.

<sup>24</sup> For a list of some of the books translated at Aligarh see *Life*, p 83.

<sup>25</sup> Scheme of an Urdu University, *Hayat*, p 91. The whole scheme is detailed in "*Tahzihu l-Akhlay*" or "Mohammedan Social Reformer," 15th June 1920 H. (10th August 1873), pp 91-102, and in my father Mr. H. M. Musa Khan Sherwani's booklet, *Muslim University ke bhute hue Usul*.

as 1867 when the Syed sent to the Viceroy on behalf of the N. W. P. branch of the British Indian Association on August 1, 1867, to the effect that a "Vernacular University" should be established which should arrange for complete instruction in all the science and arts and examination should be held in all the subjects in which examinations were held under the auspices of the Calcutta University.<sup>26</sup> The representation further urged the establishment of a Bureau of Translations which should undertake the translation of University text books into the Urdu language. This proposal was sent by the Syed while he was stationed at Benares, and even in that city the attitude of the people was so placid and conciliatory that the murmur of the counter-proposal of having two Universities, one for Muslims where Urdu should be the medium of instruction and the other for the Hindus where the characters used should be Devanagari, was not heard till the end of the year. Not only that, but certain well placed Hindus of Benares made the demand that Urdu script should be entirely replaced by Devanagari script in the courts and the language used there should in future be Sanskritised Bhasha.<sup>27</sup> Syed Ahmad Khan's Urdu biographer the late Maulana Halī says that all this was a great shock to the Syed as he thought that the question of language was elemental and if an artificial demarcation is made between the two sections of the Indian people on the basic question of a vehicle of thought it would not be possible to have any common ground in the higher affairs of life. The change in the Syed's outlook was so sudden and complete that when he spoke to the Commissioner of the Benares Division about the need for denominational education for the Mussalmans, the Commissioner was greatly surprised and remarked to him that it was the first time that he was hearing something about just one section of the population of the country from his lips, for up till now he had not allied himself to the question of progress of any particular community but had made the cause of the whole of India his own.<sup>28</sup>

### **Change in Outlook.**

This digression from the Syed's political views was necessary as from now onwards he practically left the political field and began in right earnest to think of the educational progress of his own co-religionists even to the extent of advising

<sup>26</sup> *Hayat*, 89

<sup>27</sup> *Hayat*, 93, 94.

<sup>28</sup> *Hayat*, 96, 97



them not to take part in politics altogether. It is significant that the Aligarh Institute Gazette which began in 1866 by educating the Indians in the politics of England and the Empire and the world at large, becomes absolutely silent about politics in 1869 and its pages are full of the Urdu-Hindi controversy, the Syed, however, taking good care to print both sides of the picture. There was still very little of the purely communal spirit in him and when he sailed for England in April, 1869, along with his son Syed Mahmud, who later became famous as the first Indian Judge of the Allahabad High Court, he left the Aligarh Scientific Society as well as its organ the Aligarh Institute Gazette in the hands of Raja Jaikishan Dass. But the whole organisation was fast segregating itself from politics and becoming more and more social and literary in its outlook.

Syed Ahmad Khan is said to have been 'working for Anglo-Muslim friendship ever since the Mutiny,'<sup>29</sup> but whenever there was the least fear of his fellow countrymen or co-religionists being misunderstood he did not shrink to lift his pen for supporting their cause. When a high officer of the government of his province, Sir W W Hunter, wrote a book entitled *The Indian Muhammedans, are they bound in conscience to rebel against the Queen* and tried to prove that the Wahhabis were rebels and that they represented the principles on which Islam was based, Syed Ahmad Khan wrote a most denunciating review in "The Pioneer" which was reprinted in the Aligarh Institute Gazette from November 24, 1871 to February 23, 1872.<sup>30</sup> There are one or two remarkable sentences in this long review which shows the Syed's frankness and outspokenness and form a background to his political thought of the period. Thus he says "Dr Hunter stands convicted either of intentionally misleading the public or of profound ignorance"<sup>31</sup> And, again, "like begets like, and if clod

<sup>29</sup> Gurumukh Nihal Singh, *Presidential Address of the Indian Political Science Conference, Fifth Session*, Indian Journal of Political Science, Vol IV p 382. Sardar Sahib seems to think that the change in Sir Syed's political outlook was due to the "subtle and powerful influence of Principal Beck," although he did not come out to India till 1883, and the change in the Syed's views had already begun to take place in 1867. See *Tarikh-i Madhasatul-Ulum*, Aligarh, 1901, Muslim University Handbook, 1931, p. 4.

<sup>30</sup> The review has been reprinted almost *in extenso* in *Life*, pp 205-243 and in *Hayat*, 122-128.

<sup>31</sup> *Life*, 232.

acquiescence is all that the Muhammadans receive at the hands of the ruling race, Dr Hunter must not be surprised at the cold acquiescence of the Muhammadan community”<sup>32</sup>

### **Bias Towards Muslim Education :**

The Syed had now put his whole heart in the upliftment of his own co-religionists, and began to work for the establishment of an educational institution at Aligarh. The scheme was mooted in a meeting in February 1873, but the actual school was not started till the 1st of June 1875. The foundation-stone of the M A -O. College was laid by the Viceroy, Lord Lytton, on January 8, 1878, i.e. exactly one week after the Imperial Durbar at Delhi, and was the first public function of Lord Lytton as the newly created Viceroy of India. The address which was read by Syed Mahmud is remarkable in many ways. Politics were not, of course, touched, but the Syed thought fit to speak to the Viceroy that the new masters of the soil “should make it the first principle of their Government to advance the happiness of the millions by establishing peace, by administering justice, by spreading education and by introducing comforts of life,” for only then can there be “a long life to the union of India and England”<sup>33</sup>. The new College may be said to be a Muslim institution in that it was founded by a Muslim and the committee which ruled the institution was composed of Muslim members, but it is remarkable how on the one hand it was thrown open to Hindus as well as their Muslim brethren and on the other was actively helped by the money donated not only by the rulers of Indian States like the Maharajas of Patiala and Vizianagaram but by the middle class Hindus as well. There was not a tinge of communalism in the institution, and when Syed Ahmad Khan went on his famous tour in the Punjab early in 1884, out of hundreds of addresses presented to him was one by the members of the Indian Association of Lahore which was read by its President, Sardar Dayal Singh. The address says among other things that not the least remarkable feature of the Syed’s public career had been the breadth of his views and his “liberal attitude towards sections of the country other than your own co-religionists”. It goes on to say “your conduct throughout had been stainless of bigotry. The benefits of the noble educational institution you have established at Aligarh

<sup>33</sup> *Addresses and Speeches relating to M A -O College, Aligarh, 1922, 30.*

are open alike to Hindus as well as Mohammadnas. Our unhappy country is split up with petty jealousies and had suffered so much in the past from sectarian and religious dissensions, that the advent of a man of your large-hearted and liberal views is a matter of peculiar congratulation at this time... .. Your highly useful career in the Legislative Council of India can only be touched upon here. Your impartial care for all classes, your manly and faithful representation of national views and your vigilant regard for national interests while acting in that body deserves the warmest acknowledgments from us and our countrymen."<sup>34</sup>

This is the view of the President and the members of an association which consisted mainly of Hindus and Sikhs and gives an index of the feelings which the M A -O College aroused at the moment in the minds of the thinking men of India.

### **Work as a Member of the Governor-General's Council :**

The feelings of the non-Muslims towards the Aligarh Movement was to a large extent due to the Syed's own attitude while he was serving as an additional member of the Viceroy's Council from 1878 to 1882. He justified his nomination by speaking practically on every important Bill that was laid before it and expressed sentiments which would do credit to any nationalist in this country. Thus, speaking on October 18, 1879, on the Vaccination Bill, he said that the liberty of the subjects was one of those great rights which have been given to the people by the advent of the British rule.<sup>35</sup> Later, speaking on the Central Provinces Local Self-Government Bill he said that he was one of those who thought that the success of Local Self-Government would be achieved in proportion to the powers which would be delegated to the Local Boards and district Councils.<sup>36</sup> But when he touched high politics he was swayed by the lasting impressions he received during the unfortunate Urdu-Hindi controversy and said that while borrowing representative institutions from England they must bear in mind the differences which existed between India and England in matters political and social. India, different from England, was caste-ridden and members belonging to different religions and different communities were staunch in their individual

<sup>34</sup> *Dr Syed ka Safa nama - Panjab*, Aligarh, 1885, p 157.

<sup>35</sup> *Majmu-i-Lectures wa Speeches*, p 138

<sup>36</sup> *Majmu'a*, 140.

rites and ceremonies. He, therefore, warned the Viceroy against the introduction of the simple electoral machinery on the English pattern in India which was bound to do tremendous harm to the country. He was almost prophetic and said that copying the political institutions of the other land without regard to the conditions prevailing in the country was bound to lead to even greater prejudices and to an increase in the differences which existed then.<sup>37</sup>

When, however, it came to be a question of the Indian self-respect in the matter of the famous Ilbert Bill, he delivered a vigorous speech in the Council on March 9, 1883. He first of all brushed aside the argument of the Anglo-Indian community that the Council could not discuss the Bill at all. He said that the arguments brought forward were exactly the same as those propounded when the Indian judicial officers of the East India Company were given jurisdiction over Eurasians and Anglo-Indians in civil matters, and warned the Government that if the jurisdiction of the courts was based on pure racialism it was bound to lead to unfairness and injustice. He ends his speech with these words: "My Lord, I am fully confident that the time has come when the people of India, whether Hindu, Mahomedan, European or Eurasian, will begin to understand that they are equally the subjects of the Queen and that there is no difference whatever between their political rights or constitutional position."<sup>38</sup>

### **On the Eve of the Indian National Congress :**

He delivered a remarkable address at Patna on January 27, 1883, which contains his considered views on the position of the Muslims in India, and in all probability, in spite of what he said later in regard to their share in the politics of the country, they were views he held up to his death. He prefaced his lecture by the observation that he was standing before the audience to express his views not on an abstruse matter which required much thought but on facts of merely every day occurrence which have a direct bearing on the prosperity of the country. "The primary duty of those who were striving towards that object was that they should aim at the welfare of the country as a whole. Friends, just as the higher caste Hindus came and settled in this land once, forgot where their earlier home was and

<sup>37</sup> *Majmu'a*, pp 140-145

<sup>38</sup> *Majmu'a* 168

considered India to be their own country, we also did exactly the same thing—we also left our former climes hundreds of years ago, we also regard this land of India our very own. . . . . Both my Hindu brethren and my Muslim co-religionists breathe the same air, drink the waters of the sacred Ganges and the Jamuna, eat the products which God has given to this country, live and die together. Both of us have shed off our former dress and habits and while the Muslims have adopted numberless customs belonging to the Hindus, the Hindus have been vastly influenced by the Muslim habits and customs. I say with conviction that if we were to disregard for a moment our conception of Godhead, then in all matters of every day life the Hindus and the Muslims really belong to one community (قوم) as children of the soil and not two, and the progress of the country is only possible if we have a union of hearts, mutual sympathy and love. . . . . I grieve at the sight of those who do not understand this basic point and inculcate views which would ultimately lead to a permanent cleavage between two sections of the Indian community. . . . . I have always said that our land of India is like a newly-wedded bride whose two beautiful and luscious eyes are the Hindus and the Muslims, if the two live in concord with one another, the bride will remain for ever resplendent and becoming, while if they make up their mind to destroy each other she is bound to become squint-eyed and even one-eyed.”<sup>39</sup>

These were the views of Syed Ahmad Khan on the eve of the establishment of the Indian National Congress in 1885. The British Indian Association with which he had identified himself, had all along urged the “representation of the voice of the people, their views, their wishes, or their wants”,<sup>40</sup> i.e., more or less the same stand as he had taken in his vigorous pamphlet “The Causes of the Indian Revolt.” But it was felt in some circles that there was too much of the aristocratic about the constitution of the Association, and even a proposal to lower its subscription was negatived.<sup>41</sup> A large number of Bengalis whose names were to become prominent in connection with the early sessions of the Indian National Congress, were dissatisfied

<sup>39</sup> *Maqmu'a*, 149-151

<sup>40</sup> Petition to the Parliament, 1858, Andrews and Mookerjee, *Rise and Growth of the Congress*, 108-109

<sup>41</sup> *Rise and Growth*, 109,

with this state of affairs and started an Indian League in 1875. Prominent among the supporters of the new move were Sisir Kumar Ghose, Motilal Ghose, Shambhu Charan Mookerji, Surendranath Banerji, Kinto Das Paul and many others whose names were to shine in the early annals of the Congress. The new Indian League completely overshadowed the old British Indian Association but in its turn lost its importance with the institution of the Indian National Congress which met for the first time in Bombay in December 1885.<sup>42</sup>

It seems strange that with all that has been said Syed Ahmad Khan should have set his face against the Congress from the very beginning. But if we look objectively at the matter it would not be difficult to understand the point of view which he adopted, and the crux of his reasoning lies in the educational problem of the country as he understood it. Calcutta had been the seat of the British Government for eighty years and was the centre of the new educational policy which began in Macaulay's educational minute and developed into the establishment of the Calcutta University in 1858. Thus, in 1858 there was a whole generation of the Bengalis which had taken full advantage of English education and which was filling the offices of the Central Government at the same time filtering into the Upper Provinces where English education had not developed to much extent. The earlier efforts of Syed Ahmad Khan were towards the end that in spite of the fact that there was no University in the Upper Provinces, a centre of education for the people of those provinces should be formed where education should be imparted on more or less the same principles as in the Calcutta University with this difference that it should be in the Vernacular, meaning thereby Urdu. But that had come to naught by the springing up of the Hindi-Urdu controversy. Of all the classes of Indian society the Muslims were the most backward, and that for two reasons: one that most of them had been employed in various capacities during the latter days of the Mughal Empire and had lost all that with its downfall and secondly, whole families had been wiped out by the indiscriminatory process after the Mutiny. Syed Ahmad Khan realised that a whole generation of the Hindus in general and Bengalis in particular had imbibed what was available in western

<sup>42</sup> For the early history of the Congress see Sitaramayya, *The History of the Congress*, pp. 20 ff.

knowledge, and if ignorant Mussalmans were to dabble in the politics of their Hindu compatriots, they would not be able to cope with the situation. He, therefore, immediately suggested to the Muslims that they should give up politics for the present till they were sufficiently instructed, otherwise they would be swept off the board altogether.

### Later Political Thought :

It was with this object in view that he formed the Muslim Educational Conference organization, the first meeting of which was held at Aligarh on December 12, 1886, just one year after the institution of the Indian National Congress. Speaking on the very first resolution he said that those were grossly mistaken who thought that the conditions of the Muslims would in any way be bettered by arguing in political matters, and what was needed for the present was education and nothing more than education.<sup>43</sup> Exactly one year after this he delivered a speech at Lucknow on December 28, 1887 and detailed his views on the subject. Just as the writer of "*Thoughts on the Present Discontent*" and author of the two speeches on America had been awed by the turn of events in France, so the Syed, an ardent espouser of political reform, fears that merely copying of the principles of the west without paying heed to the circumstances ruling the country would bring more harm than good to India in general and Muslims in particular. He is afraid of the man in the street, the under-man, may he be a B.A. or an M.A., who would take the place of those belonging to aristocratic families who had the tradition of government instilled in them. He assumes his hearers that those sitting in the Viceroy's Council state their views without fear or favour, without regard as to whether the person sitting on the Presidential chair is the Viceroy or only a statue of marble and without consideration for what others think about them. He says that fullest heed is paid to representations and memorials which are received from the subjects and nothing is left unconsidered. It is the business of the Government to preserve law and order, as well as to preserve life, property and rights and for these sacred purposes to institute courts of law. He enumerates the 49 grievances which the Congress had placed before the Government and is very clear and explicit in his point of view as regards the method of election. The Congress had even in its early days resolved

<sup>43</sup> *Majmu'a*, 280

that the "Councils should be expanded by the admission of a considerable proportion of members"<sup>44</sup> which should be elected presumably on the English model on the comparative majority system. Knowing, as he did, the backwardness of the Muslims and being a thorough realist as he was, he dealt with the whole question and analysed it threadbare. He gives four alternative methods of election to the Council :

- (1) There may be joint electorates based on universal suffrage with the proviso that Muslims should vote for the Muslim candidates and the Hindus for the Hindu candidates, under such a system naturally the Hindu candidate would be elected as he would have a majority of 4 : 1.
- (2) The second alternative put forward is that there should be a property limit to the right of vote ; if this be so, he laments that there would be few of the audience who could equal their Hindu brethren in point of wealth and income and ordinarily no Muslim would have a chance of getting in the Council
- (3) He supposes a third alternative that a certain number of seats in the Viceroy's Legislative Council are reserved for Hindus and Muslims respectively and that the proportion is fixed according to their respective population in the country, even then the Muslims would inevitably form the minority <sup>45</sup>
- (4) Lastly, he considers the possibility of separate electorates and a reservation of seats and supposes that the proportion of the Muslim seats is increased even to the extent of making them equal to the Hindu seats ; even then, says he, there would be few Muslim members as well versed and as efficient as the Hindu members and there would be few of them indeed who would leave off their business to serve on the Council at their own expense at Simla or Calcutta.<sup>46</sup>

<sup>44</sup> *History of Congress*, 36.

<sup>45</sup> Although in this case he probably means joint electorates he does not say that the Muslim members so elected would not represent their co-religionists

<sup>46</sup> These schemes in *Maqmu'a* 304-305.



Thus, standing before his audience as early as December 1887, he analysed all possibilities and considers each of them derogatory to the Muslim interests. *En passant* he says in a vigorous passage that there are some who liken Ireland to India. "Let us suppose that the conditions of Ireland are similar to those of this country. We must remember that there are thousands of Irishmen who are willing to sacrifice their lives for the good of their beautiful country. They do not fear prison bars nor bayonet charges and the whole land is standing as one man against the present system. I ask you the names of even ten of my countrymen who can face a bayonet charge for a patriotic cause, if there are none, the whole agitation becomes utterly inappropriate and useless."<sup>47</sup> Dealing with the question of Budget, especially of the military heads, he asks very pointedly how many who wish to have a decisive voice in army expenditure, know anything about implements of war and some of them may not have known what artillery charges are like. He, therefore, says that Indians should begin by joining the forces as volunteers and blames the Government for not allowing them to do so.<sup>48</sup> He finishes by the remark that for the present Muslims should pay the fullest attention to education in general and higher education in particular which would raise their status and take them to the highest position in the country.<sup>49</sup>

The next and the last great speech on politics delivered by the Syed was that of March 16, 1888, ten weeks after the Madras Congress of 1887 when he addressed a large audience of Muslims at Meerut.<sup>50</sup> He warned the Hindus that unity was to be achieved not by a make-believe in politics that there is not distinction between Hindus and Muslims, but by toleration, friendship and mutual sympathy which have been the hallmark of India in days gone by.<sup>51</sup> He advised the

\*<sup>47</sup> *Majmu'a*, 306

<sup>48</sup> *Majmu'a*, 308, 309

<sup>49</sup> *Majmu'a*, 310

<sup>50</sup> The speech was printed separately as well as included in the *Majmu'a*, 311-315. The speech contains a vehement denunciation of the word which was passed round that the Muslims joined the Madras Congress.

<sup>51</sup> Speech on the History of the M. A. O. College in the Mahommedan Educational Congress (Later Conference), fourth session, held at Aligarh in December 1889, *Majmu'a*, 343. For a graphic account of the last days of his illness see *Hayat*, 202.

Hindus and Muslims of the Upper Provinces to stand united for "both drink from the same wells, breathe the same air and each is dependent on the other" so that everything which might cause a rift between them was not to the good of either of them.

In this speech he put forward certain definite problems before his audience. He asked them direct questions as to who would take the place of the English if they were to leave India, the Hindus or the Muslims. He further asked them if there was any precedent in the whole history of the world that a conquering nation had granted full representative government to the conquered nation especially when the conqueror and the conquered did not belong to the same race. Under these circumstances how would it be possible for the Government to hand over the powers to elected representatives which is demanded from them. Then the man who once demanded the establishment of full parliamentary institutions for India goes on that no one has a right to vote on the Budget as its responsibility depended solely on the Government. He reiterated the view that all the agitation which was on foot emanated from the Bengalis, though he is very careful in pointing out that all that the British Government was doing might not all be to the good of the country and that it was only natural that Indians should have a bill of complaints against a foreign Government. But the demands must be reasonable. Moreover he goes to the crux of his thesis and asks the Muslims to consider that they were wanting in knowledge, wanting in high education, wanting in wealth, and they would help nobody if they were to dabble in politics. On the other hand what was needed was that they should pay the fullest attention to their education and their education only. They should further strive to making themselves rich both morally and materially and should take to trade and commerce, specially foreign trade. Even that, however, depended on education. At the end of the lecture he says that just then it would be injurious to the interests of the Mussalmans to join hands with "the Bengalis" and if the Muslims were to do so they would be crushed by the Government with a far stronger hand than the Bengalis would be, for, says he, the Government are aware that the Muslims "are braver, more soldierly and greater born fighters."

This was probably the last speech Sir Syed Ahmad Khan delivered on a purely political theme. The rest of his life

he spent in promoting the great institution he had founded at Aligarh in furtherance of the object which he had so much at heart. He had refused the offer of a whole jagir which had been wrested from a rebel after the Mutiny for it was beyond him to "take advantage of the downfall of a whole nation," and died a pauper in the house of his friend the late Nawab Haji Ismail Khan Sherwani at Aligarh.<sup>52</sup>

### General Review

If we briefly review Sir Syed's political thought we would find that outwardly there is a marked contrast between his earlier and his later views, for while in 1858 he was a vehement supporter of political reform and representative institutions of a parliamentary type for India, he ended by opposing that system. The explanation of this strange phenomenon will be found in the objective study of the Syed's mind, in spite of what may be said to contrary, of the mind of a great bulk of the Musalmans.<sup>53</sup> Sir Syed was both a theorist as well as a realist. The basic factor of his *Causes of the Indian Revolt* is that the Mutiny was the work not of the Muslims only but of misguided Hindus and Muslims and the chief cause for the catastrophe was the lack of means with which it was possible to make known the Indian viewpoint to the British Parliament. The whole burden of his argument was that the interests of the Hindus and Muslims were the same and he championed the cause of a united India in politics, in social reform and in educational matters both in words and in deeds. The shock came in 1867 with the beginning of the Hindi agitation which soon developed into extreme separatist tendencies and the Syed felt that if there was a difference in the matter of language—for it was maintained that the question of script would automatically lead to the introduction of uncommon words—then the Indians of the same province would ultimately not be able to make themselves understood to their own neighbours.<sup>54</sup> Sir Syed felt the situation with such an

<sup>52</sup> Badin'd-din Tayabji opined as the President of the Indian National Congress session held at Madras in 1887 that the view of a large body of the Musalmans was that they should work for the common benefit of all jointly with members of other races and creeds, see *Rise and Growth*, 173.

<sup>53</sup> All correspondence between Syed Ahmad Khan and Saroda Prosad Sandal of the Allahabad Institute published in the *Gazette* of 27th December, 1868 and 19th February, 1869.

<sup>54</sup> Report of the inaugural meeting at Aligarh, by Haji Muhammad Musa Khan Sherwani.

anguish that he thought it best to join issues with the new school of thought and tried to keep his hold on the minds of the people of whatever creed and we see that when he was away in Europe his organ *The Aligarh Institute Gazette*, which had now become a protagonist of Urdu, was run by his right hand man Raja Jaikishan Das

On his return from Europe, however, nationalist and votary of the unity of India as he was by temperament, he was greatly shocked at the turn the matter of language had taken in his own province and in Bihar and he viewed the rift which was widening between the two sections of the Indian population of the Upper Provinces with dismay. Never daunted, he delivered his great speech at Patna on January 27, 1883 and once again enunciated his love for the unity of the land. But there was no response from what was fast becoming the other camp and he sat down to consider what was best under the circumstances. He knew that the Muslims had lost all during the period of the downfall of the Mughals culminating in the tragedy of 1857—then learning, their culture and their position in Indian society—while their Hindu brethren, especially of the province of Bengal, had taken large strides in education and general uplift. The Syed, therefore, came to the conclusion that if the Muslims took active part in politics while they were inferior to the sister community in every way, they would not prove equal to the task and would not only suffer themselves but prove a burden to their partners as well. It was for this reason that he turned his whole attention to educate the Muslims on modern lines and to warn them of their mistake if they immediately joined the newly formed Indian National Congress. Instead of that he formed another purely educational organisation, the Muslim Educational Congress—later renamed Conference—and invited his co-religionists to better their cultural and educational status before venturing on the stormy sea of politics especially when they had to deal with others who held views diametrically opposed to their own. This was in 1886, and from now onwards he became more and more a social and a religious reformer so much so that when we talk of the “Aligarh Movement” we mean thereby the movement for the modernisation and rationalisation of the life of the Muslims rather than a movement which had a political objective before it. Aligarh became the centre of Islamic culture and Muslim education to such an extent that when the first Muslim political association was formed there in the shape of the Muslim Social and Political organisation

in 1904 it had to be shifted to Lucknow about as soon as it had acquired a permanent status in the shape of the Muslim League. But Sir Syed continued to be a nationalist even in educational matters and threw open the portals of his foundation, the M A.-O College, to the young men of all communities alike, this being perhaps the first instance in India of a purely denominational institution having on its rolls young men belonging to both the great sections of the Indian people.

# TEACHING OF POLITICAL SCIENCE IN SOUTH INDIAN UNIVERSITIES

(including Osmania, Nagpur and Bombay)

BY

DR. E ASIRVATHAM,

*University of Madras.*

Political science as a separate branch of study has been slow in making its appearance in S. Indian universities. Till 1942 although provision had been made for B. A. Honours course in Politics in the Madras University no constituent or affiliated college offered the course. Even to-day it is tacked on to History in more ways than one. Practically all the teaching staff in the colleges handling political science are those who have graduated in history or economics and have had no special training in the different branches of political science. The same is true of the other S. Indian universities too. In the Andhra University, although there is a separate department of Economics with a Professor in charge, the Professor who handles history was till recently designated as Professor of History, Economics, and Politics. In these days of specialisation such an arrangement seems an anomaly.

The dice is still loaded in favour of history. The B. A. pass syllabus in the Madras University till 1941 gave a disproportionately great attention to ancient and mediaeval political thought and institutions and relatively little attention to modern thought and institutions. Indian political thought and Indian constitution are not sufficiently emphasised, chiefly because political theory and comparative governments are combined into one paper. Since 1941 a new branch with Politics as the main subject has been introduced for B. A. with two papers in that subject. Students taking Philosophy (*in-b*) history and economics (main) take one paper in Politics, which combines theory and organisation.

The Honours course in Politics consists of 7 papers—*viz* Political Theory, History of Political Thought, Political

\*A paper submitted to the Indian Political Science Conference, Sixth Session, Lucknow, December, 1943

Institutions, Economics, History of Administrative and Constitutional Development in India, one of the following optionals—(a) public administration (with documents), (b) a period of British Indian administration (with documents) (only (a) is optional at present)

At the Annamalai University History and Politics are linked together both at the B A Pass and Honours levels. For B. A. Pass there is one paper in Political Science for those offering History and Politics, the other three papers being History of India, History of Europe from 1500 A D, and Constitutional History of Great Britain and Ireland from 1485 A D. One feature of the syllabus is that it includes the study of a classic in Politics (such as Machiavelli's *Prince*, Mill's *Representative Government*, Burke's *French Revolution*, etc). In the question paper there is one compulsory question bearing on annotation of snippets taken from the classic, and another question containing a choice bears on the classic itself. In the Madras University too there is a classic as well as the same arrangement as regards questions for those taking iv (c), i.e. Politics Main.

Of the eight papers which comprise the Honours course in History at Annamalai, two are on Politics. (There is no Politics Honours as yet). They are 'Political Theory including critical study of a classic' and 'Modern constitutions with special reference to their historical background'. Besides these two, there is a third paper, which is an optional from a list of subjects connected with the history of the West and Politics. The optional which is usually offered is in Politics.

Students of the Economics course in Honours usually take the paper on Modern Constitutions. There is provision for a paper on 'Political Philosophy' for Honours students in Philosophy.

The Travancore University has practically the same scheme of studies in political science as Madras. There is no provision for Politics Main. Political Science is taught in connection with History Main or Economics Main. It is a single paper comprising Theory and Constitutions. The B A Honours course in History and Economics has one paper in Politics-General and one paper in Constitutional History of Great Britain and Ireland. There is provision for an optional subject in Politics. The optional

offered at present is Federation, Ancient and Modern. The optional offered under Indian History is British Indian Administration.

Mysore University makes it necessary for those who take Politics for B A to pass in three papers, *viz* (1) Comparative Politics, (2) Political Theory and (3) Public Administration. This is a novel feature. The combinations allowed are (1) Economics, Politics, Philosophy, (2) History, Economics, Politics, (3) History, Politics, a classical language, (4) English, Politics, Philosophy, (5) History, Politics, Philosophy, (6) Philosophy, Politics, Sociology, (7) English, History, Politics, (8) Mathematics, Economics, Politics. This combination is in addition to English and a second language.

The Honours in History is much the same as in Madras, Annamalai and Travancore. There are eight papers as in Annamalai, with one paper in Politics which includes Political Theory and a special study of the Indian constitution. A minor subject of study for Honours which is an optional is Public Administration to be passed at the B A. Pass standard.

Public Administration is much more stressed in Mysore than in other S Indian Universities. Madras has a diploma course in Politics and Public Administration and an optional paper (virtually compulsory) in Public Administration for Honours Politics.

The course of study and scheme of examination in Politics for the M A degree of Mysore is under consideration.

At Andhra University, as in Madras, there is provision for History Main and Economics Main for the B A. degree with Politics as one of the papers. There is no Politics Main, as in Madras. Those taking Economics Main may take Sociology or Politics.

For Honours one has to study History, Economics, and Politics. The compulsory paper in Politics covers a much narrower field than in other S Indian Universities—something of constitutions and recent political theory. Those taking Politics sub-group are required to take History of English Constitution from 1603 and of the constitution of British India, Modern Political Thought, and Local and Municipal Government.



None of the South Indian Universities except Andhra teaches Civics or Public Administration to Intermediate students. At Nagpur there are two papers, one in Civics and one in Public Administration in India. Looking at the syllabus, one wonders whether all the topics mentioned can properly be taught to students at the Intermediate level.

For B A at Nagpur, political science can be offered only in combination with Philosophy, Economics, or History. Political Science, as in Lucknow and several other Indian Universities, has two papers (Theory and Constitutions) with 75 marks for each paper.

At the Honours level there are separate History, Economics and Political Science schools. The Economics Honours has 4 papers and *viva voce*, History Honours 6 papers and *viva voce*, and Political Science 7 papers. There is no paper on Politics in either the History or Economics school. The Political Science Honours course consists of 7 papers. (1) Social and Political Theory, (2) Public Administration—Central and Local, (3) Public Finance, (4) General History of Political Doctrines, (5) Comparative Study of Political Institutions, (6) International Relations and (7) Essay. There is no paper on History or English and Indian Constitutional History.

At the Bombay University for the B A. Pass examinations in History and Economics there are four papers—(1) History of England, (2) A period in the History of India, (3) Politics and (4) Economics. Candidates for the M. A. degree examination (at their option) submit to a written examination of eight papers in any two of four groups, or they may offer a thesis on a subject dealt with in any of these groups in lieu of the *whole* of the written examination. Group A has one paper on Theory of Politics, one on Comparative Politics, one in English Constitutional History, and one on a special period of Indian History or a special period of Ancient Persian History. Group B is all History (4 papers), Group C all Economics (4 papers) and Group D all Sociology. So an M A in History is given a thorough grounding in Economics, History or Sociology.

At Osmania University at the B A level political science is a subsidiary subject which can be taken under History, Economics or Domestic Science. It is one of six

papers under Part II, Part I consisting of four papers in English. It is strange that no provision is made for a student taking Philosophy to study political science. The paper in political science is divided into (i) History of Politics—30 marks and (ii) Politics (comprising Political Theory and Comparative Government)—70 marks.

At the M A level, there is no separate school of Politics, political science being included in the History school. For M A Previous 4 papers are prescribed, two of which are in the field of Politics. The 1st paper is Early Political Institutions (Indian, Islamic and European) up to 1500 or Political Institutions from the French Revolution with appropriate material background. The 2nd paper is on Early Political Theories (Indian, Islamic and European) up to 1500 or Later Political Theories from 1500 up to the present day.

#### DETAILS OF SYLLABUSES AND TEXT BOOKS

##### **Nagpur —**

The Intermediate paper in Civics and Public Administration is very elaborate. Emphasis is placed on public administration. A note adds "candidates will be expected to know the latest growth of developments of Public Administration in India"—rather a big order for Intermediate students.

Paper I for B A pass seems very elaborate. It errs on the side of including too much. There are seven papers for the Honours Examination in Political Science. These are 1. Social and Political Theory, 2. Public Administration—Central and Local, 3. Public Finance, 4. General History of Political Doctrines, 5. Comparative Study of Political Institutions, 6. International Relations, 7. Essay. There is no provision for English and Indian Constitutional History or even for constitutions. Paper 5 does not cover constitutions. There are no optional papers.

##### **Bombay .—**

At Bombay there is no syllabus in Politics for B. A. The wording is "Theory of Politics to be studied from any standard book as Leacock's *Elements of Political Science* or Gettell's *Introduction to Political Science*". Laski's *Grammar of Politics* is recommended for reference. Papers 3 and 4 for Honours Group A are on Theory of Politics and Comparative Politics respectively. Books are recommended. There is no syllabus.

**Mysore :—**

In Mysore there are 3 papers in Politics for B. A. The paper in Comparative Politics, as was the case in Madras till recently, is weighted heavily in favour of ancient and medieval political institutions. While a sound historical knowledge is essential there is not likely to be enough time for a full discussion of modern constitutions. The paper on Political Theory has a section on the history of Political Thought. "A brief survey of political thought from Plato to the present" seems too vast in scope for B. A. pass. The paper on Public Administration breaks new ground.

The Honours Course in Politics consists of 8 major papers. These are 1. History of Political Thought, 2. Political Theory, 3. Political Organisation, 4. Public Administration, 5. Economics, 6. Public Finance, 7. Indian Political Institutions, 8. Essay. The minor papers are 1. Constitutional History of England, 2. Jurisprudence, 3. Sociology, 4. Recent Economic History of India. Here again there is not enough emphasis on history.

History Honours students do one paper in Public Administration and Philosophy Honours students taking Social Philosophy branch do a paper in Comparative Politics as a minor subject and do Political Philosophy, History of Ethics and History of Political Philosophy, and Indian Ethics and Indian Political Thought as major subjects (3 out of 8).

**Osmania**

Prof. Sherwani writes to say that at Osmania University the subject of "Civics" has been included in the Indian History paper in the Higher Secondary Examination conducted by the Board of Secondary Education, which has taken the place of the Matriculation Examination of the University. For this purpose a special book has been compiled in English and Urdu.

History B. A. has a paper in Politics including History of the Science of Politics and Principles of Political Science. M. A. Previous in History has two papers in Politics: 1. Political Institutions (1789 to the present day with appropriate material background) and 2. Political Theories. Political Institutions include constitutions (but not in all Universities). The first paper in M. A. Final is General Historical Essay, containing three alternative subjects, two of which usually deal with Political Science. Under Paper

2 (a) Comparative Politics candidates are expected to have full information on the development of the Indian constitution up to date.

### Andhra

At Andhra University there is a paper for Intermediate students on Civics and Indian Administration. Under the Economics Group for B.A. there is a paper on Politics including elements of political science and constitutions. Under History Main too there is a paper on Politics covering the same ground. B.A. Honours candidates taking Branch III—History, Economics and Politics take (i) General Group and (ii) A Special Group. The General Group consists of four papers one of which is Politics. The Special group consists of (a) History sub-group, (b) Economics sub-group and (c) Politics sub-group, and a candidate has to choose one of these three. The papers under History sub-group are (i) a special period on subject of Indian History, (ii) a special period on subject of History of Europe and (iii) a special period on subject of Oriental History other than Indian History. The Politics sub-group consists of (i) History of English Constitution from 1603 to the constitution of British India, (ii) Modern Political Thought (from the French Revolution) and (iii) a special subject to be selected from time to time (for 1944 it is Local and Municipal Government). In addition to four papers in the general group and three in the special, there is an Essay.

### Madras:

In Madras University the B.A. pass syllabus (for History Main, Philosophy Main, and Economics Main) has been re-drawn recently. Much of the historical portion dealing with ancient and medieval political institutions has been omitted. There is not enough emphasis on the Indian constitution. Combination of Political Theory and Comparative Politics in one paper does not do justice to either part. The Madras syllabus for iv-c (B.A.), *i.e.* Politics Main seems a good one. Two papers are on Political Theory and Political Organisation respectively. The remaining three give a good background of General Indian History, outlines of European History and Economics General.

Study of a classic is desirable at the Honours and M.A. levels, but not so much at the B.A. level. In Madras a classic is prescribed both for Honours in Politics and B.A. pass Politics Main (iv-c).

### **Annamalai :**

B.A. Political Science syllabus at Annamalai University is much along the lines of the now-discarded syllabus of the Madras University—too much of Greece and Rome. The B.A. Honours History course comprises the study of

- (1) History of India either down to 1600 A.D. or from 1600 A.D. to the present day
- (2) A special subject to be chosen from a prescribed list of subjects bearing on Indian History and Polity
- (3) Constitutional History of Great Britain and Ireland (with a study of documents from 1485 A.D.),
- (4) A special subject to be chosen from a prescribed list of subjects connected with the History of the West and Politics,
- (5) Political Theory including critical study of a classic,
- (6) Modern constitutions with special reference to recent European History for 1789 A.D.
- (7) General Economics,
- (8) Essay

### **Travancore :**

At Travancore University there is a paper in Politics for both group (i-a) History and Economics and group (i-b) Economics and History. As in Madras and Annamalai it includes political theory and constitutions. Political Philosophy is an optional subject for group (i-a)—Philosophy. The History and Economics Honours course comprises the study of (1) the History of India, (2) the Constitutional History of Great Britain and Ireland, (3) Politics, (4) Economics, (5) Essay, (6 & 7) Special (optional) subjects—(any two subjects to be selected from a list prescribed from time to time under the following main heads—Politics, History, Indian History, Economics). The Politics—general paper comprises (a) a study of the development of political thought from Plato and Aristotle to the present day and (b) a study of the constitution of the important states at the present day. The special subject is Federation, Ancient and Modern.

### Some Suggestions :

1 Greater emphasis on the Indian constitution is desirable. In the Madras University, the 1935 Act appears only in an incidental manner. Although the Act is largely only of an academic character, its various provisions need to be studied thoroughly by Honours and Postgraduate students. In this connection we may suggest a separate paper on Dominion Constitutions—their history, the right to secede from the federation, the right to secede from the Empire, etc. in view of post-war constitutional developments in India.

2 There is no justification for combining Theory and Constitutions into one paper for Honours History and Economics, as is the case in South Indian Universities.

3 There is a great deal of overlapping between 'Political Theory' and 'History of Political Thought'. These papers are taught as two separate papers in Madras and Mysore. It may be advisable to combine the two, with one or two special texts from year to year.

4 A course on International Law or Jurisprudence and a course on International Affairs may profitably be introduced as optional papers for Honours and Postgraduate students.

5 A general impression which one has is that the constitutions and political thought are often taught without reference to their social, economic and religious background. This defect needs to be remedied by taking a full account of the various forces and movements in operation at any one time.

6 The study of a classical text like Machiavelli's Prince or Rousseau's Social Contract or Burke's Reflections on the French Revolution as detailed text on which annotations might be set is more suitable for Honours and Postgraduate students than for B.A. pass.

7 The practice of South Indian Universities of making it necessary for every student of political science to take one or more courses in History and Economics is commendable. Alternative courses may also be offered in Sociology, Social Psychology, Anthropology, Social Philosophy, etc.

8 Some Universities are mortally afraid of prescribing or even recommending any book written by an Indian author, except in fields of study like ancient political thought in India or Hindu Political Institutions.

# COURSES OF STUDIES IN POLITICAL SCIENCE\*

BY

PROFESSOR M VENKATARANGAIYA,

*Andhra University, Guntur*

(I)

It is proposed to point out in this paper a few of the shortcomings in the courses of studies in Political Science as they are pursued to-day in Indian Universities and to suggest a few changes

From one standpoint the courses are too wide, and from another they are too narrow. The outcome of the first defect is that the study has become more or less superficial and the outcome of the second defect is that the study has become unrealistic and divorced to a great extent from the actualities of life as it has been and is being led in India. That in spite of the study of the subject for more than half a century in Indian Universities no original work of an outstanding character in the field of political theory or of political organisation has been produced bears evidence to the barren nature of the courses. Even in the field of Indian politics and political institutions, standard treatises recognised as such by scholars have been written by Western students. This is in contrast to what has been done by Indians in the sphere of physical and natural sciences.

The courses are too wide because Indian Universities have not attempted to delimit the frontiers of political science. They have blindly followed the tradition set by some of the older British Universities like Oxford where the subject has been studied more as a part of *Literae Humaniores* and by thinkers of the type of T. H. Green, F. H. Bradley and Bernard Bosanquet.<sup>1</sup> The courses have therefore come to include not only a study of Political Science but also of Political Philosophy, and Political Science has come to be regarded at the same time both as a positive and as a

---

\* A paper submitted to the Indian Political Science Conference, Sixth Session, Lucknow, December, 1943

<sup>1</sup> Ernest Barker, *Church, State and Society* p 195

normative science. This is true not merely of the advanced courses for B. A. Honours and M. A. examinations but also of the more elementary and preliminary courses for the B. A. pass degree examination. This attempt to make the students obtain an acquaintance not only with problems of politics as it is and as it has been but also of politics as it ought to be is at the bottom of much of the superficiality that characterises the knowledge in political science possessed by the average graduate of our Universities.

It may of course be argued also with a certain amount of truth that this is not the fault so much of our Universities as of the science itself. Leading thinkers and writers on the subject are not yet agreed on its exact nature and scope and it is this lack of agreement that is reflected in the courses in Indian Universities. It is well known that different opinions of a rather conflicting character are held to-day by the leading exponents of Political Science as to precisely what the science is. In illustration of this the views of two prominent writers—Professor Ernest Barker and Professor George E. G. Catlin—may be noted. In his inaugural lecture on "*The Study of Political Science*" delivered in the University of Cambridge Professor Barker states thus: "As I see it, political theory is primarily concerned with the purpose, or purposes, which man proposes to himself as a moral being, living in association with other moral beings, who at once desires and is forced to pursue his purposes in the medium of a common life. It is a study of ends, and of the modes of realisation of those ends, and since ends have supreme value, and determine the value of other things which serve as their means, it is a study of value or values."<sup>2</sup> Let us just observe what Professor Catlin has to say on the matter. These are his observations: "It is necessary, then, not to confound the practical observance of Morals with the scientific study of Politics. But it is no less necessary to note the danger lying in the intrusion of ethical theory into the treatment of political method. . . Exhortations apart, speculations as to how men may most nobly lead the communal life, such as have not been lacking in the writings of the English disciples of the great Hegelian school, may properly be held to be irrelevant to Politics. What may be my station in society and what is the nature of its duties, is appropriately to be described as an ethical, not a political, study. If our thesis be correct,

<sup>2</sup> *Op. Cit.* p. 210



it may be doubted whether the Greek thinkers did not give a false bias to Politics by their failure to differentiate its field from that of public morals, and by their ethical enquiries into the nature of the good or the perfect state. Still more might Aristotle be held to be at fault when he raises (Politics, IV 1) the preliminary enquiry as to the nature of the desirable life. The science of Politics may reasonably be expected to make great advance, as a study of political method, before ever there is even approximate agreement on these questions of values. It is no more the task of a political scientist to instruct men about political values, than it is the task of a teacher of sculpture to instruct his pupils in themes and ideals for artistic expression . . . . A political science is needed which need not be contingent for its acceptance upon the acceptance of a political or ethical philosophy."<sup>3</sup>

Whatever the explanation or the excuse may be, the courses of studies in Political Science in Indian Universities to-day have come to be a mixture of courses in Political Science as well as in Political Philosophy. The implications however of such a mixture have not been correctly understood or appreciated. A firm grasp of Political Philosophy cannot be secured unless the student possesses an adequate knowledge of General Philosophy including Metaphysics, Logic, Ethics and Psychology. And most books on Political Theory prescribed for study in Indian Universities take it for granted that students have such a knowledge and that they approach the study of the subject with that knowledge. One of the standard books now in use in almost all Indian Universities is "*A History of Political Theory*," by George H. Sabine, Professor of Philosophy in Cornell University. As Professor Laski has observed, it is the best short history of the subject that has so far been written and if at all the subject has to be studied as a part of the courses in Political Science no better book can be recommended. But the question is whether much of the book can be understood and followed without an acquaintance with metaphysics, logic and ethics. The answer must be an emphatic "No." This is specially the case with chapters dealing with Hobbes, Locke, Rousseau, Hume, Hegel, Green, Marx, Lenin, and Mussolini—practically the whole of modern political thought. The same is the case with a book like Professor

<sup>3</sup> G. E. G. Catlin, *The Science and Method of Politics*, p. 297-99. Also see E. M. Sait, *Political Institutions and Preface*, p. 1-7.

Baker's *Political Thought in England 1848 to 1914* which is widely studied in our Universities. References to the conceptions of freedom as found in Kant, Hegel and Green, the commentary on Bradley's "*My station and its duties*", Bosanquet's *Theory of Punishment*, the contributions of Social Psychology to recent political thought, Pluralism and the theory of group—personality and many other topics of a similar nature included in this book are bound to be mystory to those who have no grounding in the general philosophical development of the nineteenth and the twentieth centuries. There are also universities which prescribe for intensive study books like Plato's *Republic*, Green's *Lectures on Political Obligation* and Bosanquet's *Philosophical Theory of the State*. No argument is required to show that it is only those that are familiar with the general philosophy of Plato or of the Idealists that can make a profitable study of books like these.

The conclusion that follows from this brief survey is that we should either exclude from our courses in Political Science everything that pertains strictly to the realm of Political Philosophy boldly accepting the view of Professor Catlin<sup>4</sup> that the approach to politics from the angle of political philosophy and of the humanities is less important for the needs of the present day than an approach from the angle of psychology and statistics, or if we prefer to be eclectic and retain Political Philosophy as an integral part of the courses in Political Science we should make adequate provision for a study of general philosophy, Metaphysics and Ethics without a knowledge of which any scholarship in Political Philosophy worthy of the name will be difficult and perhaps impossible. Unless one or other of these two alternatives is accepted our courses in Political Science will continue to be superficial and fruitless as they have all along been -

## (2)

The dislike to take an independent line of action and the desire to appear to be eclectic are equally manifest in the methods adopted for the study of Political Science in our universities. We are not able to choose between the Historical and the Analytical methods. We are bewildered by the fact that leading writers on the subject hold diametrically opposite views on the relative merits of these two methods of study and as impartial men we want

<sup>4</sup> G. E. G. Catlin, *A Study of the Principles of Politics*, p. 9

to satisfy both schools of thought. Professor Laski, for instance, regards the Historical method as the only right method to be adopted in the study of Politics although in his constructive treatises like the '*Grammar of Politics*' he does not strictly adhere to this method. Years ago he observed thus: "I stand here to plead for the study of politics in the terms of history. To know how our traditions and institutions have been moulded, to grasp the evolution of the forces by which their destiny has been shaped—that, I am anxious to persuade you, is above all the key to their understanding. My plea, therefore, is that, to have value, the study of politics must be an effort to codify the results of experience in the history of States. Our conclusions must remain uncertain save as they are built upon historical analysis."<sup>5</sup> According to him this is the method to be adopted not merely in the study of political institutions and organisations but also of political ideas and philosophy. This is what he says on this matter: "My own main interest is in the history in political ideas, the attempt to gather, in what detail one may, what men have thought about the State. . . . For the study of ideas in their historical context is a source of political illumination as valuable as any that lies to our hand."<sup>6</sup> But let us see what Professor Catlin has to observe: "If this counsel be followed, the scholasticism which bids us spend all our time studying the history of what previous theorists have said, instead of heeding their words and, like Hobbes, not 'reading more than other men,' will be thrown overboard. The physician who is only a student of the history of medicine will kill his patients."<sup>7</sup> It is more or less in the same strain that Professor Barker proceeds when he observes thus: "Not only is political theory a study which is, or may be, dependent of the study of history. We may go further, and say that it is a study which loses its true nature, and puts its neck unnecessarily under the yoke of happening and the routine of historic sequence, if it occupies itself largely with problems of history. It is concerned with questions of being rather than with those of becoming, it has to discuss what the state is *sempter at ubique*, rather than what it was at this time or in that place or how it developed from one form into another."<sup>8</sup> 'History cannot answer the riddles of the

<sup>5</sup> Harold J. Laski: *On The Study of Politics* (1926) p. 8-9

<sup>6</sup> *Ibid* p. 10

<sup>7</sup> G. E. G. Catlin: *Study of the Principles of Politics* p. 67

<sup>8</sup> *Op Cit* p. 200

sphinx. It can trace a process, it cannot determine the value of the result. However sublimated it may be, it remains history. It remains a record of what was, and of how it came to be. It cannot attain to a view of what ought to be, or to an explanation of why it should be, though it can help such attainment by giving the philosopher a survey of human ideals and a sketch of the institutions in which men have sought to realise those ideals.<sup>9</sup>

It is not necessary here to examine the relative merits and defects of these different points of view. It is enough if we bear in mind that those who have been responsible for the framing of courses in Political Science in Indian Universities have accepted both the Historical and the Analytical methods as equally sound—one perhaps supplementing the other—and have made provision for both the methods in the study of the subject. While credit is due to this catholicity, sufficient attention has not been paid to the conditions under which alone the Historical Method can be a success. The pursuit of the Historical Method presupposes an adequate knowledge of history in all its aspects. The need for such a knowledge is very well brought out by Professor Laski in the following words: "In all this, of course, there is implied a method of studying the history of political ideas. It is the simple one of studying the opinion and those who expressed it in the light of their special environment. Nothing is more useless because nothing is less revealing, than to separate the political philosophy of any thinker from the circumstances in which it was born. . . . Every great thinker is in part the autobiography of his age."<sup>10</sup> How much of Professor Sabine's "*A History of Political Theory*" can be followed or understood without a detailed knowledge of the history of the Greek City State, of Rome and her empire, the barbarian invasions of Europe, the struggle between the Medieval Empire and the papacy and the political, social and economic history of Modern Europe? It is from this standpoint that the courses in political science are defective in most Universities. A study of History should form an integral part of any study of Political Science. It is then only that the Historical Method can be effectively and fruitfully used.

<sup>9</sup> Ernest Barker: *Political Thought in England 1518 to 1914* p. 165-66

<sup>10</sup> Op. Cit. p. 12

This is not the only addition that has to be made. It is a matter of ordinary observation that the political thought of any age cannot be divorced from the general thought of that age. There is what some writers<sup>11</sup> "have called the climate of opinion", which influences the general nature of opinions held at any particular time by thinkers however unconnected then several fields of work may outwardly happen to be. The geometrical method of Hobbes and Spinoza, the philosophy of natural harmony and equilibrium of interests in society held by the eighteenth century writers, the evolutionary method characteristic of Herbert Spencer and many political thinkers of his age, and the anti-intellectualism characteristic of the more recent political thought are only reflections of the general intellectual atmosphere of the times in which these thinkers lived. "Political philosophy is never separable from the general body of ideas in a generation".<sup>12</sup> What a student therefore of Political Science adopting the historical method of study requires as a minimum of equipment is an elementary knowledge at least of the intellectual forces at work in different times. To him a study of a book like Professor J H Randall's "The Making of The Modern Mind" is indispensable.

( 3 )

It was observed at the outset that while from one standpoint the courses in political science are too wide they are too narrow from another standpoint. This narrowness arises out of the study being based entirely on Western tradition and experience and the almost complete neglect of Indian tradition and experience. The political organisations and institutions as well as the political theories and philosophies which are at present studied in Indian Universities are mostly alien to India. They have nothing to do with the history of the country or the political and administrative system that have been functioning here. This is a most serious drawback and there is no excuse for it at all. This narrowness had produced two or three undesirable consequences. In the first place it has made the study of Political Science a highly abstract one so far as Indian students are concerned. They have become abstract in the sense that they have very little relation to the realities of

<sup>11</sup> Carl L. Becker *The Heavenly City of the Eighteenth Century Philosophers* Leebred I

<sup>12</sup> H J Laski *Op. Cit.* p 13

Indian life whether in the past or present. It has also made the study of political science quite valueless in understanding the problems which every educated Indian ought to understand. Every subject studied in Universities and centres of higher learning should have some bearing on practical life as it has to be led by the people around. This is specially true of the social sciences. Even from the purely academic standpoint the study of Indian thought and institutions is bound to be of great value. After all, the people of India too have had a closely knitted social organisation. For ages they have lived as members of a single society. They had like other peoples to face Authority and Freedom. They discovered solutions for these problems, solutions which have been found to work well. Like all scientists a political scientist is interested in drawing generalisations and if possible in formulating laws of behaviour. The degree of validity which a generalization or scientific law possesses depends on the number of particular facts on which it is based. As has been observed by a writer,<sup>13</sup> "The least productive sciences in the past have been those in which investigation has been restricted to a specific series of natural objects—sciences like ichthyology which attempts a general study of that limited class of beings known as fishes, have lagged far behind those sciences which have taken all nature as their province but studied it from the standpoint of certain abstract concepts." General conclusions therefore relating to political behaviour of man are bound to possess more universal validity if they are based not merely on the behaviour of man in the West but also of man in India. Another consequence of this neglect of Indian data is the growth of the view that there is nothing valuable to study in Indian politics or political thought, that Indian society has been static and that the movement towards larger freedom which is the characteristic of Western Societies and which have given a stimulus to new currents of political thought are wanting in India. This view embodies a number of fallacies which any student of comparative history will bear out. Moreover the purpose of political science is not merely the study of what may be called the ideally good state. It is the study of the state as such whether good, bad or indifferent, whether despotic or constitutional. Plato and Aristotle are studied—and they are studied with growing administration—even though the Society they had in view was one based on slavery and gross inequality. There is no reason

<sup>13</sup> F. M. Watkins — *The State as a Concept of Political Science* p. 2

why an Indian should not study the Smithian writers or the Arthashastra writers with the same scientific interest.

It is this almost complete neglect of Indian data that is responsible for the failure of Indian scholars to produce any great work of originality in the field of Political Science. If Indians can do research and contribute something new to the understanding of Politics they can do this best if they turn their attention to the study of Indian politics. It will be a hopeless task for most of them to carry on research in the sphere of Greek and Roman politics or the politics of medieval and modern Europe. They do not possess the same equipment and facilities for these purposes as scholars in Europe and America have. But it will be a quite different thing if they come to see that Indian politics of the past as well as of the present is as much worthy of study as the politics of the West. Their knowledge of Indian classical languages like Sanskrit and their greater insight into the spirit of Indian institutions and way of life will be of the greatest help to them. The academic world outside India is really anxious to know a great deal about Indian systems of social and political organisation. Research in political science which alone should form the criterion for judging the efficiency of university courses will become a possibility only when a larger provision is made in our studies for subjects Indian.

From another standpoint also courses in political science in India have to be regarded as narrow. This is especially the case with courses dealing with political institutions and organisations. These courses are based on the assumption that political science has to concern itself mainly with Sovereign States and with States having a democratic government. Of course there is nothing unnatural in such a view being entertained by scholars in England and the United States. But this view has taken a firm hold on the Indian academic mind also due to the fact that books used in Indian Universities are those written by English or American authors. This is however a very narrow view of the matter. A large number of countries in the world are not sovereign states. They do not have democratic forms of government. But these also have their politics and problems of government. Questions of power and control are of as much significance to them as to those living in free countries. But these questions have special characteristics of their own in dependent countries. In a dependent country like India

problems relating to franchise, systems of representation, parliamentary and non-parliamentary governments, public opinion and parties should not occupy the same prominent place as in countries like England and the United States. Political Science has to be approached from what may be called a sociological and a functional standpoint. A comparative study of Imperialisms—ancient and modern—and of colonial governments should occupy a larger place in courses in Indian Universities.

Finally it may be pointed out that the courses in India are so much bound by the British tradition of the past that they are not keeping pace with the latest developments in the subject. The view is now gaining increasing ground that the fundamental concept in political science is not the 'State' but 'Power'. As Professor Catlin says, "We shall define Politics, not in terms of objects such as States, but in terms of an activity, that of establishing control. We shall define our science as the study of society in so far as it displays the relationship of men primarily with men. More precisely we shall define it as a study of the control relationship of Wills"<sup>14</sup> Professor F. M. Watkins who has undertaken a fairly exhaustive enquiry into the subject has also come to the conclusion that the proper scope of political science is not the study of the state or of any other specific institutional complex, but the investigation of all associations in so far as they can be shown to exemplify the problem of power"<sup>15</sup> A similar enquiry has led Professor Dennis De Witt Brane<sup>16</sup> to conclude that 'Social control in all societies and among all societies is the proper object of inquiry in the science of government'. This is also the view of writers like Charles Merriam, Bertrand Russell, H. D. Laswell and several others.

It is from this broader perspective that our courses in political science should be framed. It will then be possible for us to develop an Indian School of Politics and secure for it a place which will be on a level with that of the schools of politics in other advanced countries of the world.

<sup>14</sup> *Principles of Politics* p. 75—76

<sup>15</sup> *Op Cit* P. 83

<sup>16</sup> His "*A Sequential Science of Government*" p. 85



## REVIEW

### EDUCATIONAL PROGRESS IN SOUTH-EAST ASIA

By J S FURNIVALL With a supplement on training for native-self-rule by Bruno Lasker—I P R Inquiry Series—International Secretariat Institute of Pacific Relations—Publications Office 129 East 52nd Street, New York—1943 Price \$2

The book is remarkable for its condensation, lucidity of exposition and critical insight. The author discusses succinctly the indigenous systems of education in Burma, Malaya, Thailand, Indo-China, the Netherland Indies and the Philippines and then describes the changes that were introduced by the colonial powers and in the case of Thailand by King Chulalongkorn (1868 to 1910) because of his contact with the missionaries of the West.

Education in the countries under European rule has been discussed under three periods —

- 1 The Humanitarian Period (1813 to 1854) --During this period education was spread as a cultural asset

- 2 The period of mass uplift programmes (1854 to 1900)

- 3 Period of intensive industrialisation of the West and of the policy of Laissez-Faire in the East (1900 to 1904)

- 1 The remarkable events of the first period are the renewal of the Charter of the East India Company in 1813, the constitutional regulation of 1818 for Netherland India, the influence of Raffles in Malaya, the early days of civil rule in Burma, and the dawn of Liberation under the Spanish rule in the Philippines

2. In 1854 the East India Company laid the foundations of modern public instruction in India; in the same year a new constitutional law provided for native education under Dutch rule, in 1855 a Commission of Enquiry in the Philippines made regulations that took effect in a Code of Public Instruction in 1863, an Education Department was established in Burma in 1886, in Netherland India in 1867 and in British Malaya as the result of a Committee appointed in 1870. The education fostered by these changes

‘though nominally literary and academic was in fact narrowly vocational’ “The eastern schools decayed and with them the native culture and religion”

From 1870 to 1900 there grew up a class of people who not only imbibed western scholarship but was also imbued with the Western love for political independence. “Western statesmen had looked to transform oriental society by education, they brought into existence a new society, not, however, by education but by economic forces, and this new society transformed the character of education

3 The last period is described by Furnivall as the period of “Efficiency and social justice” 1900 to 1940 During this period an attempt was being made to reach the masses Its beginnings are to be found in the doctrine of “The Whiteman’s Burden” in England; the ‘Ethical Policy’ of the Netherlands, and the “Association Theory” of the French Of all these the most creditable was the achievement of the U S A in the Philippines “From the first the American Government was zealous in the cause of industrial and specially agricultural training” The State University of the Philippines was founded in 1908 and had in 1938, 7,711 students “In addition to the academic instruction in the humanities it offers courses in Law, Medicine, Pharmacy, Veterinary Science, Education, Commerce, Music and the Fine Arts” There was the Monroe survey and another enquiry in 1930 to investigate the suitability of vocational training to the immediate needs of the country In 1936 was opened an office of Adult Education

The Supplement: Training for Native Self-rule by Bruno Lasker is an attempt at synthesising in the light of the analytic treatment in the first part the possible lines of educational advancement in the future

The utility of such a study is undoubted, and those who shape the destiny of the people in the colonies would do well to ponder over statements like these “They (The Colonial School men) have blamed the petrification or the degeneracy or the complexity or merely the backwardness of oriental society for lack of educational progress when they should have blamed their lack of success in finding its hidden dynamic”

## THE SIXTH INDIAN POLITICAL SCIENCE CONFERENCE, LUCKNOW

BY

DR J N KHOSLA

### I

The Sixth Indian Political Science Conference met at Lucknow on the 20th, 21st and 22nd December, 1943. About 50 delegates and members of the Association attended.

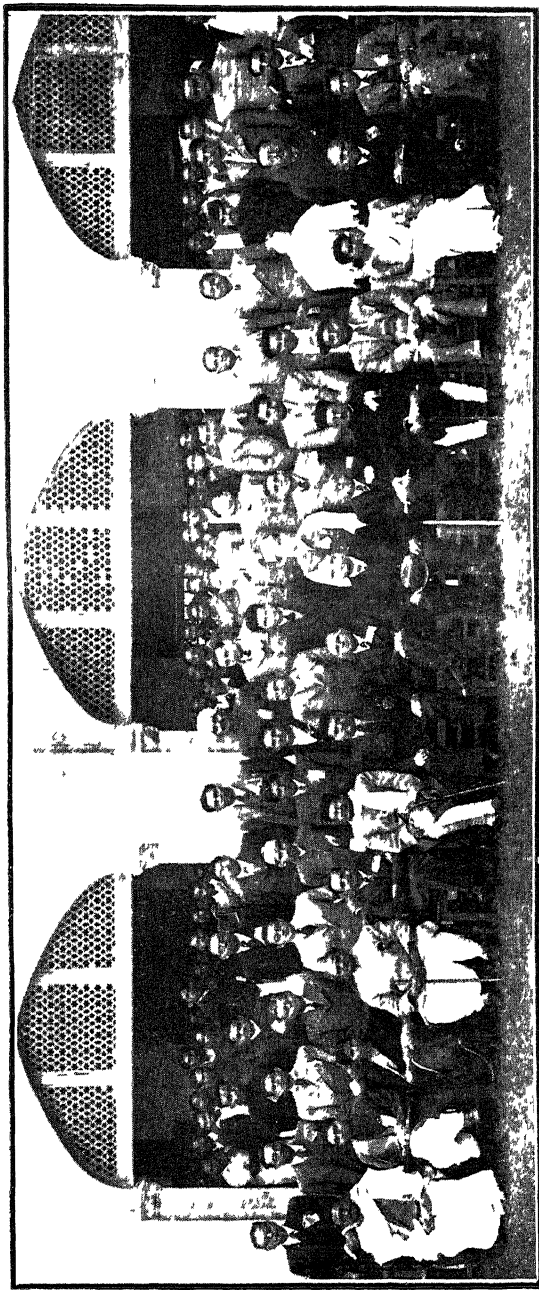
The opening session of the Conference was held on the 20th December, 1943, in the Bennet Hall, University of Lucknow. Lt. Col. Raja Bisheshwar Dayal Seth, M.L.A., Vice-Chancellor, Lucknow University and the Chairman of the Reception Committee, welcomed the delegates of the Conference in a speech which appears in another place in this issue. Raja Sir Mahraj Singh then delivered his Inaugural Address, a summary of which is printed elsewhere in this issue, and declared the Conference open. The President of the Association next read his Presidential address which appears in another place in this issue. After a vote of thanks to Raja Sir Mahraj Singh and Raja Bisheshwar Dayal Seth, by Dr J. N. Khosla, the Hon'y Secretary of the Association, the opening session was concluded.

A group photograph of the Conference was then taken and the delegates were entertained to lunch at the Carlton Hotel by Rai Bahadur Kunwar Rudra Pratap Narain Singh of Gorakhpur.

The afternoon session which began at 2-15 p.m. was devoted to the papers on "Problems of Social and Political reconstruction with special reference to India". The papers read were —

'Post-War Reconstruction', by Dr E. Asirvatham (Madras), "Reconstructing India", by Bodh Raj Sharma (Lahore), "Post War Reconstruction with special reference to India - Training for democracy", by Prof India Datta Sharma (Lahore), "The National Question in India", by Dr K. B. Krishna (Bombay), "The Mechanism of Multi-national Federations", by V. K. N. Menon (Lucknow). "India's Role in the British Commonwealth in a reconstituted

THE INDIAN POLITICAL SCIENCE CONFERENCE  
SIXTH SESSION, LUCKNOW UNIVERSITY,  
DECEMBER 20, 1943





World", by Dr B. M. Sharma (Lucknow), "The Appointment of Governors in India A suggestion", by P. N. Malhan, (Lahore), and "A New North-West Frontier Policy", by Anup Chand Kapur (Lahore).

The following papers were taken as read as their authors were not present—"The Executive in India A suggestion", by A. Avasthi Esqr, (Nagpur) and "Post-War Reconstruction Labour", by Mr Nand Lal Gupta, (Lahore). Dr Bool Chand's paper on "Post-War Reconstruction" was postponed. The discussion on these papers was opened by Prof S. K. Rudra.

At 4-45 p.m. Raja Bisheshwar Dayal gave a tea party at his residence to the President and the members of the Conference. A meeting of the Executive Committee was held at the University at 6 p.m. This was followed by a music concert arranged by the Lucknow University Music Society, and the Bhatkhandey University of Indian Music, Lucknow. The last item on the programme for the day was a symposium on "The Future of Democracy".

## II

The Conference met at 11 a.m. on the 21st December in the University, and continued its discussion on the papers on "Problems of Social & Political Reconstruction". Those who took part in the discussion were Professors Radha Kamal Mukerjee (Lucknow), Puntambekar (Benares), Beni Prasad (Allahabad), (Dr J. N. Khosla (Lahore) and Mr Sushil Chander Sinha (Lucknow). Dr B. M. Sharma (Lucknow), Messrs P. N. Malhan and Bodhraj Sharma (Lahore), gave brief replies.

At 4-15 the Conference adjourned for lunch which was arranged by the Reception Committee at the University.

## III

In the afternoon at 2-15 p.m. was held the Annual General Meeting of the Indian Political Science Association under the Presidentship of Principal G. D. Sondhi, the President of the Association, at which the office-bearers and members of the Executive Committee for 1944 were elected and other business transacted. The Annual Report of the Association, which is printed in another place in this issue, was adopted.

The following subjects were selected for discussion at the next Conference, the dates and venue of which will be settled finally by the Executive Committee —

- 1 Civil Liberties in India in Peace and in War
- 2 International Relations with special reference to the East
- 3 Symposium on Constitutional schemes for India

The Executive Committee of the Association for 1944 will consist of — Prof S V Puntambekar (Benares), President, Prof Venkatarangaiya (Andhra) and Dr E. Asirvatham (Madras), Vice-Presidents, Principal G D Sondhi (Lahore), Vice-President Ex-officio, Dr J N Khosla (Lahore), Secretary and Treasurer, Dr Beni Prasad, Mg Editor of the Journal, Ex-officio The Honourary Local Secretary to be appointed by the Executive Committee after the venue of the next conference is finally settled, Members of the Executive Committee. — Dr Y. Prasad (Agra), Messrs A Halim (Aligarh), S Srinivasachari (Annamalai), Bool Chand (Benares), R. P. Patwardhan (Bombay), B N Banerjee (Calcutta), D N Banerjee (Dacca), Gurmukh Nihal Singh (Delhi), V S Ram (Lucknow), K N V Sastri (Mysore), D K Garde (Nagpur), H. K. Sherwani (Osmania), Gyan Chand (Patna), and C. V Chandrasekian (Travancore)

The remaining part of the afternoon was devoted to papers on "Indian Political Thinkers since 1858" The following papers were read —

"Rabindranath and the Cult of Nationalism", by Prof D N Banerjee (Dacca), "Thinkers of the Partition Period", by Dr. Ganesh Parsad (Punjab), "Swami Dayananda, (1824-1884)", by Mr. Indra Datta Sharma (Punjab), "Raja Sir T Madhavarao's Prince or the Law of Dependent Monarchies", and "Vishnu Bawa Bramchari (1825-1871), Social and Political Teachings, by Prof S V Puntambekar (Benares), "Moslem Political Thought since 1858" by Sachin Sen (Calcutta), "Dayanand as a Political Philosopher" by Dr B M. Sharma (Lucknow), "some Aspects of G K Gokhale's Political Thought", by Vidya Dhar Mahajan (Punjab), "Political Ideas of Bhagwandas" by Dr Bool Chand (Benares), and "Political idea of Maulana Mohammad Ali" by M Hashim Kidwai The following papers were taken as read as their authors were not present —

"Political ideas of Mr Gopal Krishna Gokhale", by P V Ramna Rao (Andhra), "Gopal Krishna Gokhale—The Liberal Pioneer who spiritualised Indian Politics", by Prof T K Shahani (Bombay), "Political Ideas of Aitchison", by Dr K N V. Sastri (Mysore), "The Political Thought of Sir Syed Ahmad Khan", by Prof H K Sherwani (Osmania), and "The Political Ideas and Ideals of Raja Sir T Madhava Rao (1828-81)", by Rao Bahadur Prof C S Srinivaschari (Annamalai). In the discussion that followed Professors Beni Prasad (Allahabad) and R N Oturkar (Bombay) took part.

At 4-45 p m the members of the Conference were entertained at an At Home by Ch Haider Husain, Bar-at-Law, at his residence. Later at 8-30 p m the Lucknow University Club entertained them to a dinner in the Bennet Hall.

The last session of the Conference took place on the morning of the 22nd December between 10-30 a m and 1 p m Mr Masaldan (Lucknow) read his papers on "Some suggestion for Reform of the Indian Public Services" and "The Rights of the Public Services and Constitutional Progress in India". The next paper read was on "In-Service Training in Public Services", by Dr. J N Khosla. In the discussion that followed on these three papers, the following participated—Messrs B N. Banerji (Calcutta), M S Sundiam (Simla), and Drs Beni Prasad (Allahabad), Bool Chand (Benares), Ganesh Prasad (Punjab) and Asirvatham (Madras).

The remaining part of the session was taken up by a symposium on the courses of studies in Political Science. Dr E Asirvatham (Madras), Mr B N Banerji (Calcutta), Drs Beni Prasad (Allahabad), J N Khosla (Punjab), and Masaldan (Lucknow) in turn gave essentials of the schemes proposed by them in their respective notes on the subject. Prof M. Venkatarangaiya (Andhra) being absent his paper on "Courses of studies in Political Science" was taken as read. The following took part in the discussion that followed—Dr Bool Chand (Benares), Mr Popley (Delhi), Mr I D Sharma (Punjab), Dr K B Krishna (Bombay), Dr B M Sharma (Lucknow), Mr V K N Menon (Lucknow), Mr P N Malhan (Punjab), Mr Bodh Raj Sharma (Punjab), and Principal G D. Sondhi (Punjab).

The Sixth Indian Political Science Conference concluded with a vote of thanks proposed by the President of



the Association to Raja Bisheshwar Dayal Seth, M L A, Vice-Chancellor, Lucknow University, Prof V S Ram, the Local Secretary, Mr V K N Menon, Dr B M Sharma and Mr M Sultan, the Joint Local Secretaries, the volunteers and the members of the Reception Committee for making excellent arrangements for the stay and hospitality of delegates and for holding the Sixth Session of the Conference at Lucknow

After lunch at the University, many of the delegates were able to take advantage of the excursion arranged by the Reception Committee and visited the Imam Baras, the Residency and several other places of historical interest for which Lucknow is so famous. In the afternoon there was yet another tea party given in honour of the Conference by Mr and Mrs Brij Nath Srivastava which was largely attended.

The Conference was a great success in every way. All those who attended it took away with them pleasing memories of their stay at Lucknow to meet again at the 7th Conference to be held on the dates and at the place which will be announced later

## ADDRESS OF WELCOME

BY

LT.-COL. RAJA BISHESHWAR DAYAL SETH, M. L. A.,  
*Vice-Chancellor, Lucknow University*

and

*Chairman, Reception Committee*

MR. PRESIDENT, DELEGATES, LADIES AND GENTLEMEN,

As chairman of the Reception Committee of the Sixth Annual Session of the Indian Political Science Conference, I deem it a privilege to extend a cordial welcome to you all who have come to attend this Conference from all parts of the country. In spite of travelling difficulties, I am delighted to find that quite a large number of delegates have consented to participate in the deliberations of this Conference which is now being held under the auspices of the Lucknow University in this historic city of ours for the first time. I am sure many of those attending the Conference to-day have visited this city before, but there may be some who have come here for the first time. It is not for me to say what place Lucknow occupies among the principal cities of India but I may just mention that this city of ours has been described as "a city of gardens and palaces" by those who have come here before. On account of the difficulties due to war conditions, it has not been possible to make the stay of the guests as comfortable as could be desired. But I do hope that any shortcomings which may be found will be overlooked.

2 The University of Lucknow can look back with pride that it was here for the first time in the history of Indian Universities that a separate department of Political Science was started. I am glad to say that under the guidance of its distinguished head, Dr. V. S. Ram, the department has continually flourished. It is no mean achievement that twelve doctorates have been earned by the students in this department since its inception. Perhaps this number is equal to that of all other Northern India Universities put together. It is thus only in the fitness of things that a session of the Indian Political Science

Conference is being held under the auspices of the University. On behalf of the University I am indebted to the authorities of the Conference for accepting its invitation.

3. It is not for me to lay down any principles or to chalk out any plan for your deliberations but, if I may be permitted, I may just draw your attention to certain matters which I feel have a special importance today. The gigantic war in all its fierceness has been going on for the last four years and no one can say with certainty when it is going to end, but, judging from the turn its course has taken, one can safely say that it will not be very long before this terrible struggle comes to an end, culminating in the final victory of the allied arms. On account of this war the whole world is in a state of turmoil today. No less important than the victory itself is the solution of problems the world will be faced with after the termination of the war. On the solution of these problems will depend the future of the world. I am glad to note that one of the subjects for your deliberations is "Post-War Reconstruction." This is a problem which cannot be looked upon only from an academic point of view. Problems of post-war reconstruction in any country can only be decided after carefully considering the existing conditions. What may be right in the case of one country may be utterly unsuitable to the conditions of the other. Therefore, the mere application of well accepted political theories will not achieve the desired end. Application of such theories has to be fully examined in the light of existing conditions. I am sure that in the discussion on "post-war reconstruction", problems pertaining to India will receive greater attention from the experts assembled here at this Conference. These problems are many and diverse and are indeed extremely complicated. But I do hope that as a result of your deliberations something tangible will appear to be in sight.

4. One of the outcomes of the allied victory will be that the world is no more to be faced with the totalitarian menace and forces of democracy will reign supreme and it will be established on a firmer foundation. The principle of democracy is well accepted. But how it is to be applicable to the post-war world will vary from country to country. Political constitutions, although based on general democratic principles, have to be shaped to suit the varying conditions of different countries. This is the burning question in respect of India today and as such deserves your

special attention. I am sure you will agree with me that, while taking into consideration this question of far-reaching importance, the social and economic conditions existing in this country which are far different from those existing in others cannot be ignored. One of the essentials of any constitution is its stability and I do hope that in your deliberations you will be able to find methods by which stability will be ensured in democracy and society will not be exposed to sudden turmoils which may degenerate into party dictatorship or general anarchy. We must not forget what happened in Germany and Italy.

5 I will not take any more of your precious time because I fully realise that the time at your disposal is limited and the great problems which you have to discuss are varied and complicated. I am indeed deeply indebted to Raja Sir Maharaj Singh who needs no introduction for his kind consent to inaugurate the Conference. It is my pleasant duty now to request him to address you. May I, however, before I close, thank you Mr. President, delegates, ladies and gentlemen once more for the considerable trouble you have taken to attend the Conference and make it a success.

## INAUGURAL ADDRESS

By

SIR MAHARAJ SINGH.

20th December, 1943

Raja Sir Maharaj Singh in inaugurating the sixth-Indian Political Science Conference expressed his appreciation of the great honour done to him in selecting him for this function. He paid a tribute to the Lucknow University for its keen and practical interest in political science. There was the first University which had selected political science as an independent subject for instruction and examination. More doctorates in this subject had been conferred by the Lucknow University than by any other educational institution in India. Various subjects had been dealt with by these writers including problems of the Indian constitution, of minorities and of international relations. He referred in this connection to the good work of Professor V S Ram who made a name for himself in certain branches of political science. Raja Sir Maharaj Singh defined political science after Paul Janet as that part of social science which treats of the foundations of the State and the principles of Government. The investigation of this science was as old as Aristotle to whom he referred as one of the intellectual giants of ancient times.

He hoped that the Conference would deal with important questions which confronted them in India. Social, economic and political reconstruction in this country was a crying necessity and demanded urgent treatment. They had to banish illiteracy, to better conditions of health and to promote industries. To some extent and in some manner the Beveridge plan or something like it had to be introduced into India.

He also referred to the distribution of population throughout the world. The population of India was rapidly increasing and raised thereby acute problems. At the same time there were vast areas in the world which were sparsely inhabited, for example, Australia, Africa and South America, which could support much larger populations. Another question on which the opinion of the Conference would be valuable was that of a proper and just solution of the

problems of minorities in India. It was useless to indulge in easy and vague generalisations. What was required was something concrete and practicable. This question was not confined to India. It was a world problem which had resulted in two great wars and existed not only in Europe but within the British Commonwealth in countries such as South Africa and Ireland. The next Peace Conference would have to deal with it and it is probable that India will benefit from the suggestions there made.

Then there was a further important subject, namely, that of the public services in a self-governing India. It was reasonably certain that Indian services would become more and more provincial and less highly paid at the top than at present.

Sir Maharaj Singh concluded by congratulating the Conference on having as their President, Mr. Gurus Dutt Sondhu, who was an able and cultured gentleman with a varied experience of life.

## PRESIDENTIAL ADDRESS

BY PRINCIPAL G D SONDHI, M A , I E S

*Head of the Department of Political Science, Punjab  
University, and Principal, Government  
College, Lahore.*

MR CHAIRMAN, MEMBERS OF THE POLITICAL SCIENCE  
ASSOCIATION, LADIES AND GENTLEMEN,

Before I begin my address, permit me to thank the members of the Political Science Association for the great honour they have done me by electing me the President of this, the 6th meeting of the Association

This honour, I am sure, is no recognition of any research made, or learned tomes published, for I have done neither of these things. It can only be a recognition of the fact that it was Dr Ram and I who started the idea of such a Conference, first as an adjunct to the Economics Conference, and then, with the co-operation of Mr Gurmukh Nihal Singh, as a separate one

According to the constitution of the Political Science Association, the Presidential Address is in the nature of the proverbial swan song. The address done, and the ensuing sessions presided over, the President can sink back, with a sigh of relief, into the distinguished ranks of ex-presidents

If, therefore in this address, I have succumbed to the temptation of being too didactic, you will kindly forgive me. In further extenuation of this I can plead the privilege of one who, in the near future, is to be placed on the shelf of superannuation. A poet has said

“Heaven gives our years of fadings trength

“Indemnifying fleetness ”

With much greater truth he may have substituted, “Edificatory complex” for “Indemnifying fleetness ”

So I hope you will bear with me for the space of half an hour or so

The theme of my address will be the twofold duty of the teachers of Political Science—on one side to their

students in the classroom, and, on the other, to the people around them

In some ways both duties have much in common. Their essential objective is to make Political Science both light-bearing and fruit-bearing. Some may not agree to this double objective of a subject which boasts the term-ending of "Science," and claims to be one. A Science, they may hold, is a disinterested and dispassionate study of causes and effects. It is an unfolding and a discovery untainted by any consideration of the use to which the knowledge gained may be put.

There is much truth in this. But if the laying bare of the forces at work, *i. e.*, the discovery of the causal relationship is one aspect of the work of Science, is not invention another aspect of it? And what is invention but the utilising of the discoveries to achieve definite ends? Discovery and invention are inseparable, and even if separable, for the majority of people at least, it is the invention or utility aspect of Science, as distinguished from its accumulation of knowledge which is of interest.

This is particularly true of social sciences, among which Political Science ranks so high. Human beings want results, and consciously, as in Legislation, or sub-consciously, as in custom-formation, act to achieve them. No doubt, blind effort unenlightened by the history of the past, unacquainted with the workings of human mind, and uninformed of actual facts, often leads to action, but it can also lead to entanglements and pitfalls. A sound knowledge of Political Science can help us considerably in avoiding the mistakes of the past, and in planning for the future. So the practical bearing of Political Science on our affairs must be kept very markedly before our minds. In fact, let the study be light-bearing, but let us not forget that it has also to be fruit-bearing.

## DUTY TO STUDENTS

With this preliminary discussion in mind, I turn to the two duties. The first is the duty to students.

Most of us here to-day are, or—at any rate those of us who will be left here during the ensuing sessions of the Conference—will be teachers and deeply concerned with this duty and its proper discharge. Briefly this duty is to interest our students in the subject and to inspire in them a zeal for further studies and investigation along



non-partisan lines and in a dispassionate manner. But, as this subject will come before us in another form—drafting a suitable syllabus of studies—not much need be said at this time. Still, one cannot help mentioning some of the hurdles in the way of the proper discharge of our duty.

The first hurdle is that when we start the study of Political Science in the B A, in most cases the students have neither the foundation nor the background necessary for an intelligent understanding of the subject.

The foundation of Political Science is Civics. Yet in many of our school and college curricula, Civics either finds no place, or is consigned to a neglected corner. In my own University of the Punjab it is only an optional subject in the Matriculation, with an extremely defective syllabus, and in the Intermediate it provides the tail ends of History and Economics. The same is the case with some other Universities. This is extremely unsatisfactory. A basic subject like Civics should be compulsory at the school stage and, at the University stage, should have been studied by all those who want to take up Political Science.

The appropriate background for the study of Political Science is also missing. History, Geography and Elementary Economics should rightly provide this. But quite a number of students do not study these subjects in the early classes. For many, Political Science is a welcome relief from Science or from the compulsory classical languages of the Intermediate. This, again, is not as it should be. No student should be allowed to take up Political Science for the B A who has not studied the related subject in the Intermediate.

The second hurdle—and a very high one—is the medium of instruction. This hurdle is a common one in the way of all our studies, but its commonness does not make it the less difficult and the less unnecessary. The books and teaching are in English, a language of which even years of study do not give one a mastery. The students unable to understand the books and to follow the lectures fall back on memorising. Thinking on the part of a student is inhibited and its stimulation by the teacher thwarted. Thus the tender plants of intelligent study and appreciation wilt and die, and the thorny weeds of half-truths and pernicious prejudices fill the mind. We must also remember the wise saying of Confucius. "Thinking without learning makes

one flighty, but learning without thinking is a disaster " It is our bounden duty to avert such a disaster

The third hurdle is that there are no satisfactory text-books to supplement the teaching in the classroom. Now I know that it is the fashion among some to decry text-books. They would like the students to browse widely among many books, nibbling at a chapter here and at a section there. But they forget that the longer the list of books given, the less inclined are the students to study even one of them. The commenders of wide reading also forget that each book has its own viewpoint, different from the other. The beginner, even if he tries to study them, will feel hopelessly bewildered and terribly irritated. In his desperation faint will he consign the books, the subject and the teacher to terrible regions.

The cost of so many books and the difficulties of getting them from ill-equipped college libraries are other prohibitive factors.

For the beginner, therefore, a text-book is indispensable because it provides him with something into which, so to say, he can fasten his teeth. Without it he feels that he is merely biting air—a process as useless as it is disconcerting.

But, though I am convinced of the necessity of a text-book, I have no hesitation in condemning most of the books that pass under that name. The American and the Canadian variety of text-books are not adapted to our needs and their treatment of the subject is considerably out of date. Those of the indigenous variety are mostly the results of the scissors-and-paste activity and have no consistent viewpoint of their own. The result of such books is only too patent in the answer-books. While criticising, let us say the Contract theory in one answer, the student assigns to it the true origin of the State in the next.

To sum up our duty to the student. We must try to induce the School Boards and the Universities to make the study of Civics a compulsory one in the early stages, to persuade these two sets of authorities to allow the study of Political Science, and indeed, of most other Arts subjects through the Modern Indian Languages and to provide our students with suitable text-books.

## DUTY TO THE PEOPLE

So much for the "Duty to Students." Now, I turn to the considerably wider sphere of our "Duty to the People."

In the main, this duty may be summed up as helping in the formation of sound public opinion. This task may, somewhat arbitrarily, be divided into two parts

*I—Instruction—i.e.*, giving the public unbiassed information and guidance about what should be their line of action in political matters

*II—Warning—i.e.*, warning the public against the wiles and appeals of insidious propaganda

### HOW TO BE DISCHARGED

How is this twofold duty to be discharged? There is room for difference of opinion and action here. Some may like to step into the political arena itself to take active part in the party fights. They may be so thoroughly convinced of the rightness of the party policy in the main things that they may be willing to join forces with it even if on minor points they do not agree with it. The further fact that, unless a person has a party platform and press to help him, his views can hardly reach the public, may also determine those of the teachers of Political Science who feel acutely, to seek affiliation with political parties

But there is another set of teachers too. They, while holding it to be their duty to help the people, may yet be averse to active participation in political squabbles. The din, the confusion and the dust of actual partisan strife might be distasteful to them, and in some cases may even be frightening. But as real students, interested in a non-partisan study of problems, such teachers may render great service by their analyses and diagnoses and by their suggestions. To select only a few, the names of Mr Lowes Dickinson and Professor Graham Wallas, and of Dr Lindsay, Professor Ernest Barker, Professor Zimmern, and the Webbs, suggest themselves in this connection. These, while not belonging to any party, have yet rendered great help in the elucidation of political problems by their teaching and their works. In India we have men like the veteran teacher, Professor V G Kale, and Professors like Beni Prasad, V S Ram and Guimukh Nihal Singh who are rendering similar service

It is futile to advise as to which of these two is the better way to help the people in arriving at the truth. The decision in all cases will be made by the temperaments of the persons concerned. But one cannot help feeling that as

students of Political Science, our real duty is, as far as possible, an impartial and non-partisan study of problems and of measures proposed to solve them, and the teaching of an accepted viewpoint as regards the end to be attained, rather than alliance with any party.

And this for two reasons.

1 No political party can have the sole possession of truth, can claim full justification or allegiance, for all its proposals. There are bound to be deviations from the straight and honest path through considerations of expediency and personal friendships. For, "a man who wants to play politics has to alloy his truth with many lies." The place of an honest man is in a party of one only, unless he is prepared to make a nuisance of himself in the party councils. And, if he takes this course, sooner, rather than later, he will find himself ejected from the party.

2 The second reason in favour of a non-partisan study is that the public, at least, the thinking public, will have more faith in the solutions and suggestions of an impartial writer who does not hesitate to condemn the mistaken popular view and to affirm the unpalatable truth.

The Universities should be the centres of cultivation of such impartial thinking, and of the dissemination of non-partisan opinion. It is only then that they will justify their existence and deserve their name of educating institutions. And it is only when the teachers of a subject are imbued with the essential spirit of science that they will be best discharging their duty to their students and to the public at large.

Unfortunately quite a few of the Indian Universities are mostly examining bodies and these and others are mostly busy with communal or sectional interests and squabbles, and quite a number of the teaching staffs, though criticising the Marxian thesis of Economic Determinism in theory, are obliged by poverty to justify it in practice. Reform of the Universities and of the spirit with which they work is too big a problem, and will require time. In the meanwhile something could be done to help such teachers as are busy with research by reducing their long teaching hours, or by increasing their salaries and so freeing them from material worries.

The institution of research scholarships is another helpful suggestion. But the scholarships should be substantial

enough to retain the scholars for one or two years at least and not be merely appetisers whetting their material appetites. Something like the system of Fellowships at Cambridge and Oxford will have to be adopted by our Universities.

But Research scholarships alone, will not solve the problem. Research facilities too, in the form of well-equipped libraries, official Records, and up-to-date political data must be made available. Among others the Imperial and States Records Departments should be urged to adopt a more liberal policy of giving research student freer access to records, and of reducing their scrutiny and typing charges.

After this digression into the fields of method and research let me revert to the two-fold work of the teachers for the people, *i e.*, Instruction and Warning.

In reality there is no hard and fast line between these two kinds of work. These are merely the obverse and reverse of one and the same thing. If the one tells the people what is right, the other warns them against what is false. If the one is concerned with exposition, the other is concerned with exposing.

## 1—INSTRUCTION AND GUIDANCE OF THE PUBLIC.

As regards guiding and informing the public and giving it non-partisan opinion, it must be confessed that there cannot but be a personal interpretation, and that complete absence of bias and absolute impartiality are impossibilities. As Chesterton has said, 'The nearest one can come to being impartial is to confess that one is partial.'

This is only too true. It would be expecting too much from human beings to uproot from themselves all the emotional, racial, and religious biases that heredity and environment have planted in them. But if we want to serve truth, we must replace the promptings of passion and bias by the stern dictates of reason, as much as is possible.

Now, in this direction of informing and guiding the people, I am afraid, not much has been done by the teachers. A great many of us have, perhaps, no time to spare for further studies. And of the small number, that can manage the time, their energies have mostly been absorbed by the writing of notes on text-books. But we cannot blame them for this, for the educational service is one of the lowest paid of services.

There are, however, the select, the very few, that have sought to illuminate by their writings some of our problems and have given us their solutions. I am happy to mention that through the inspiration of such teachers a number of younger persons too are following in their footsteps

### CONSTITUTION MAKING.

In addition to the work of these real students of Political Science, a great deal of work has been and is being done by persons, whom, without any desire to disparage, we may call 'professional politicians'. Their work has lain chiefly in the direction of Constitution-Making. Indeed, hardly a week passes when some new scheme, large or small, is not put forward by some one or another of these gentlemen. As a result one cannot help feeling that Constitution-Making is absorbing too much attention, and that it is becoming the pre-occupation of the serious and the hobby of the dilettante. But one cannot also help feeling, that, such work, admirable as some of it has been, is either too doctrinaire, or too much concerned with the solution of ephemeral practical difficulties. In the case of the first the structure seems to be mostly spires and minarets and in the case of the second the foundations and the dams seem to absorb all the attention. What is required is a harmonious building in which the spires reach high but not so high as to topple over and the foundations and the sanitation are adequate but not needlessly heavy and complicated. This pre-occupation with too much theoretical perfection, or with too many minor practical difficulties, is to my mind due to the absence of a systematic training in Political Science among these inventors of Constitutions. It is here that the trained Political Scientist can be of great help, and it is in this direction that our best contribution can lie. The student of Political Science can point to the constitutional experience of other countries and to the various devices adopted by them. He can also emphasise the great necessity of considering the workability of a system with reference to the quality and circumstances of the people concerned, and can also point to the vital necessity of looking on to the ideals to be reached.

It is a pity, therefore, that the help of the trained Political Scientists has been ignored by the Indian Constitution-Makers. Even the Central and Provincial Legislatures, and Governments have not yet realised the importance of the service that can be rendered by the Political Scientists in the various committees and sub-committees.

There is hope, however, in the fact, that just as these bodies have got over their suspicions of the political economists and occasionally even welcome their help, so in time, they may overcome the nervousness of consulting the political scientists too

But apart from the help to the governments, legislators, and the professional politicians, the great contribution that the teachers of Political Science can make is in the direction of educating the people to make the latter fit to bear their social, not merely political, burdens. In the words of H G Wells, 'we must liquidate ignorance as an intolerable nuisance, for mental slums are more dangerous to mankind than material ones' This implies the instruction of the public through lectures and pamphlets, the organisation of Institutes of Public Affairs and of Discussion Groups.

## II — WARNING

While this is one aspect of our public duties, there is the other aspect which is equally, if not more, important these days

I refer to the duty of warning the public against exploitation, and of exposing, or 'debunking' the various cults and 'isms' that are now so rampant. Many 'isms' and cults of unsocial and anti-national kind are now and again masquerading as true solvers of social, economic, and political ills. There is lot of quackery about, and it is the bounden duty of students of Political Science to expose it.

It may be said that this is widening too much the functions of teachers of the subject. But, if lawyers and judges and legislators can interest themselves in educational and university matters in addition to their own duties, why cannot the teachers of Political Science interest themselves in legislation and administration of law, in addition to theirs? The teachers have much greater justification.

## I — THE CULTS.

### 1 CULT OF THE LEADER

What are these cults and 'Isms' against which the public is to be warned and put on its guard?

The chief of the cults is the cult of the Leader. Now, it must be stated that the objection is not to all leaders, but only to some—to those that are intent on starting a cult of themselves. Leaders may roughly be divided into two

categories. There are leaders who are "susceptible to the thoughts, feelings, and actions of the members of the group" to which they belong. Then, there are leaders who want to assert themselves and to dominate their group. In the words of Professor Bartlett the former 'expresses' the group, while the latter 'impresses' it. The 'expressive' leaders live with the people, work with the people and for the people. Though, because of their desire to be like the humblest, they have a simplicity of life, yet their minds are finer, their perceptions keener, their sympathies vaster and deeper, so that they can express much better and more truly the mind and needs of their fellow-beings. Such leaders would always be welcome for they work beneficently—they truly serve the people.

Not so the 'impressive' type, for they seek to dominate the group, and to press it into their service. They, too, may be born of the common people and may, like the other type, have equally keen perception of the common mind. As Hitler says, "Owing to the peculiar circumstances of my life, I am perhaps more capable than anyone else of understanding and realising the nature and the whole life of the various German castes." Yet, such men are dangerous, nay, disastrous; for, all their knowledge and gifts are directed towards self-assertion and self-aggrandisement. They exploit the group and make it serve their purposes, and end by making it servile. It is this variety of leader that seeks to get itself deified through the assumption of high-sounding titles and through the originating of their cult. Their technique is simple, they first create a dissatisfaction in the people, excite their fears, and then pose as their only deliverers. Quite a number of such are at large in India at the present time. The newly introduced democratic system enables many to build platforms for self-elevation. The leader bases himself on party. The party is based on votes. The votes are directed by hopes and fears—fancied or real, these hopes and fears are aroused and stimulated by propaganda.

Psychologists tell us that in each of us there are twofold impulses, the sadistic, which likes to assert, and the masochistic which likes to submit. The hopes pander to the sadistic nature of the followers, and the fears appeal to the masochistic. Through both these the Leader draws the people to himself.

Meanwhile the drum of propaganda is loudly beaten. The Nazi method is frightfully copied—"Repeat a falsehood



long enough and many will believe you' For, as Aldous Huxley says, 'The name counts more with most people than the thing.' It may still remain true that you cannot fool all the people all the time, but it is also true that if you beat the drum of self-praise long and loud enough, many will, for a time at least, take you at the face-value of your assertions. Newman has truly remarked "Persons influence us, voices melt us, looks subdue us, deeds inflame us. Many a man will live and die upon a dogma, no man will be a martyr for a conclusion." People are only too willing to accept beliefs but not to reason about them. And not this. They are willing to die for their beliefs. For, 'when people die for an illusion it does not become more bitter but sweet.'

So the leader can start his cult by self-praise and by running down others, and if possible, by exploiting some real or fancied fears and grievances of a class or a community. As has been said, 'A noisy man is always in the right' and 'a positive man can seldom be found wrong'. The result is that proclaiming his own virtues he gets them acknowledged and demanding first homage and then worship, the leader gets both. And, championing some grievances he can pose as the deliverer of his followers. The old-time process of demand coming first and supply afterwards, is replaced by the up-to-date process of supply coming first and creating a demand for itself. Aggressive salesmanship is the new key to open the people's hearts and even their purses. Thus is started the pernicious cult of the Leader. And against this it is our duty to warn the people and to put them on their guard.

## 2 CULT OF BLIND OBEDIENCE

The cult of the Leader is closely related to another cult—the cult of Blind Obedience. There is one condition on which the deluded or self-seeking worshippers are allowed to kiss the feet of the demi-god. And this condition is inscribed on the portals of the new temple—'All Intelligence And Sense of Justice Leave Behind Ye Who Enter Within'. The Leader demands nothing less than the completest surrender of the wills of his devotees. The followers must not think for themselves, must not reason why, but must blindly obey. Obedience is their sole duty, indeed, their sole privilege. Their reason and intelligence are deliberately starved for these might make them lift up the robes of the Messiah that the leader has assumed, and might lead them to perceive that it is a spiritually shrunken scarecrow that wears them.

### 3 CULT OF EMOTION AND PASSIONS.

But obedience is a negative thing. The followers cannot live on it, so a positive cult has to be provided. Starved of reason and deprived of judgment the followers are abundantly fed on the diet of suspicions, of half-truths, of envy, of hate, and of false hopes. The viewpoints of others are deliberately distorted, a vicious hatred of opponents is cleverly administered, and rations of emotional appeals are liberally served out. The mentally enslaved followers are lured on by promises of differential treatment, preferential privileges, and of territorial regions of exclusive powers.

### 4 CULT OF VIOLENCE

But appeals to emotions and self-interest cannot lead to toleration or peaceful living. The Cult of Violence and sheer brutality is bound to come in as a natural corollary.

Like the propaganda-based Leader Cult, the Cult of Violence too is an importation from Europe. The most heinous crime of which Germany has been guilty, is the revival of the cult of brutality, and the brutalising of the Youth. This is an unforgiveable sin against the Holy Ghost of Youth. Youth is dynamic, Youth is full of noble ideals. Youth is full of the urge to achieve. Those that turn this fine section of humanity into dumbly obedient animals, nay, into worse than animals, into will-less and soul-less monsters, deserve the lowest depths of the Inferno.

To exploit your fellow-beings economically is sin enough, but to exploit and debase them mentally and spiritually is to reach the lowest depths of cynical soulless monstrosity.

And, what an irony! These Leaders who have God constantly on their lips, deliberately pervert His creation, and distort, and fill with hate and malice, the minds of those who they allege are made in their Maker's image.

But while deploring the Cult of the Leader, we have also to acknowledge that leaders are indispensable to humanity. Personality has played, is playing, and will play a major role in the progress of mankind. A system which prevents leadership and leaves the affairs in the hands of the uninstructed rank and file, does not last long, and works mischievously while it lasts. Democracy does not imply the absence of leaders, it implies and depends on the choice of the right kind of leaders—the leaders who 'express' us. The claims of such personalities cannot be denied, must not be.

denied. But if the democratic process is to work itself out smoothly and beneficently then the personalities must be yoked to high principles. These principles must provide the curb and the curb must be applied by the people themselves. To secure this end the people must be rightly educated in Civic duties and virtues.

It is, in one respect, a very hopeful sign that the Indian Press has started to make increasing use of that great debunking instrument—the Cartoon. Nothing kills false ideas more quickly, and exposes more surely hollow claims, than ridicule. As an editorial in the "New York Times" put it: "There is no right a democracy ought to cherish more tenaciously than the right to laugh at anything and anybody it thinks funny. Ideas, if they are good ones, can stand being laughed at. Personalities are more vulnerable. The bigger the wind-bag the easier it is to poke holes in it, but in countries now most supinely under a boss's thumb, where such deflation is most needed, it does not take place. Territories may be lost, spheres of influence may be contracted, but civilisation can survive if a joke continues to be called a joke and is not disguised as a great man or a great idea."

What a priceless political gift is the sense of humour and what a cathartic antidote to overweening conceit and vain self-importance! Happy indeed are the people that can laugh at their leaders and blessed indeed is the country where such laughter is not suppressed. In India particularly, do we need the humorous outlook, for, here most of the self-styled leaders have enormous bumps of vanity, solemnity, and pomposity. They will all be the better for the application of the blistering plaster of ridicule and laughter. One hears of the movement of Moral Rearmament, but what we want more is what Adrian Alington (in his novel *Sanity Island*) has called 'Humorous Rearmament'. But to expect all teachers of Political Science to be Leacocks is asking for too much. So, it is a welcome sign that the Cartoonist has come to our aid. If he is true to his job, in him, we shall find a valuable ally.

## II —'ISMS'

A Leader is inseparably related to an 'Isim'. As many leaders, as many 'Isms'. For the 'Isim' supplies the philosophic banner and camouflage under which the leader fights. Where the people are educated, and trained in civic work and imbued with civic virtue, there no virulent 'Isms' can flourish.

But in India the tale is different. Most of the other countries have one or two 'Isms' each, Russia has Bolshevism, Germany has Nazism, Italy had Fascism, Japan has militant Nationalism, England has Imperialism, and America 'Pacificism'. But India has some of these and a few others of indigenous varieties. Chief of these others are Provincialism, Separatism, Sectarianism, and last but not the least, Communalism. And the motive force behind these 'Isms' seems to be Egoism and its manifestation, Nepotism. It is indeed a sorry tale and I need not prolong it.

#### 'INTERNATIONALISM'

But there is another 'ism' that is very much to the fore these days, and to which backward countries like India, are advised to subscribe, if not to submit whole-heartedly. This 'ism' is Internationalism. Now, I have already admitted the necessity of an international outlook in these fast-moving, and fast inter-linking times. But an outlook is one thing, and complete submergence quite another. The internationalism which India is asked to accept is an internationalism almost at the cost of national life. It is forgotten that true internationalism is only possible for economically developed and politically self-dependent units who voluntarily choose to co-operate for a common purpose. A country must have national consciousness and national development before it can have an international one. Otherwise it will only be dragged along at the heels of advanced countries—a supplier of raw materials to them and a purchaser of their manufactured goods.

Besides, in the case of India a national outlook is essential for another reason as well. And, this reason lies in the geo-political position of the country. In a recent lecture at Lahore, Dr. Ciessey, of the State Department of U. S. A., pointed out how geo-political forces were working to divide Asia into five more or less, compact and distinct regions. These regions being 1. Russia, 2. China and Japan, 3. Indo China, Thailand, Dutch East Indies and Burma, 4. India, 5. Afghanistan, Iran and Arabia. Each of these regions is separated from the others either, by high mountains, or, by desert barriers, and each of these regions has an ethnic, and a geographical unity. He also pointed out the further geographic fact of importance, that on account of barriers on land side, each of these regions looked outward and away from others, and that the chief means of communication between them was only by the longer sea-route. Thus

each of these regions was bound to have a policy and a life considerably different and distinct from those of the rest. This policy could not but be a regional one, and as India was a region by herself, her policy must be an Indian and a national one.

Thus both the facts, first, that a true internationalism is only possible when the component units are all equally advanced as nations, and second, that geo-political forces are impelling India to be a unit by herself, make it essential for India to adopt more a national policy than an international one, at least for the immediate present and as a preparatory step to sound fruitful internationalism. But, by this I do not imply that India should cut herself off from other countries, and live in isolation, but only this, that our chief and immediate effort must be towards evolving a national outlook and a national policy.

To revert to the 'Isms'—It is up to the teachers of the Social Sciences, and above all of those of Political Science to point out that the needs of mankind are so varied, life so complex and detailed that no one 'Isim', even if it is a good one, can be a cure for all its troubles.

And further, that, neither by emotional appeals, nor by hate and envy, nor by appeals to selfish interests only, nor even by pure reason alone, can our ills be cured, our difficulties solved. Reason must be our guide but emotion must supply the dynamic urge. Hate we must, but only that which reason tells us is ignoble and mean. Self, we must cherish and preserve but it must be a social self. Yet, things around us are in such a hopeless chaos, the problems so confusing and stupendous that the boldest and the bravest may be stilled into inaction.

But there is no problem that cannot be tackled, no difficulty that determination cannot overcome. 'The word impossible is in the dictionary of fools' said Napoleon. There is a way out of our communal, sectional, racial, national and international problems. And the way is to split the problem into parts and to tackle each part. Let us not attempt world-wide reforms, let us not seek to convert whole nations. Let us approach the individuals. And let us approach each in his private conduct and behaviour. Converting singly we may convert largely, whereas attempting largely we may fail even in a single case. This to my mind is the hopeful way.

It, therefore, becomes the duty of all teachers, and above all of the teachers of Political Science to inculcate in their students and in the citizens, the spirit of scientific enquiry and the habit of doubt and questioning. Enquiry will show whether the so called Leader is really a leader and is pointing to somethings worth attending to or not. Doubt and questioning will lead us to probe into his assertions and the claims of his 'Isms'. But to this spirit of enquiry and doubt and questioning must also be joined a dynamic idealism—an idealism that will ever seek to reach the true and the just.

These, then, are the public duties of the teachers of Political Science. On one side to train and educate the people into citizenship *i.e.* into social-living.

On the other side there is the duty of helping in framing good laws and in exposing machiavallian policies and unsocial practices.

Both are noble tasks and well worthy of the teachers who take them seriously.

But it may be objected that this is enlarging too much the scope of Political Science and the functions of its teachers.

I have no hesitation in admitting that the objection is well taken. Yet, and here I come back to where I began, I hold that no social science should be content with being a mere exposition of cause and effect. Every social science, by the very nature of its being social, should have an aim and purpose beyond itself. And I hold further, that that aim and purpose should be a moral and a realisable one. This is not confusing Political Science with the politics of the market place, nor is it confusing it with Ethics. It is converting it from a sterile into a fertile subject. It is to yoke the partisan and hand-to-mouth policies of the politicians, to wider conceptions and nobler ideals. We have had too much narrow politics and too much politics without ethics.

That this widening of Political Science will mean a heavy burden on the teachers I also admit. But, can any one be an inspiring teacher of a social science, who is not deeply interested in the working out of social problems, who is not in touch with the people and their difficulties, who does not understand their needs, and who does not feel and work for them?

At the same time, I realise fully well that all of us teachers cannot reach the heights, cannot become real path-finders

and noble leaders. The narrow domestic circumstance, the small pittances, the care of dependants, the deadening overwork, the monotony of hack work, all these and many other carking worries numb our bodies and harass our spirits. The stern call of duty is bound to go unheeded by many of us. Yet, some there must be, who occasionally lift their heavy-lidded eyes to gaze at the heights and a few there must be, particularly among the younger generation, who attempt to scale them, footsore and weary though they be. These must help in achieving common effort for common cause, at home and abroad, *i.e.*, help in realising the twin ideals of national unity and international harmony. A unity and harmony 'beyond the turmoil of separations and divisions'.

# SYNOPSIS OF PAPERS SUBMITTED

## I

### COURSES OF STUDIES IN POLITICAL SCIENCE

#### 1

#### SYLLABUS IN POLITICAL SCIENCE IN THE SOUTH INDIAN UNIVERSITIES

BY

DR. E. ASIRVATHAM, *Head of the Department of Political  
Science, Madras University*

(Published in this Number pp. 329—337)

#### 2

#### POLITICAL SCIENCE SYLLABUS IN INDIAN UNIVERSITIES

BY

PROFESSOR B. N. BANERJEE,  
*Calcutta University*

My proposal at the Agra session to discuss this subject was the natural corollary of the attempt begun at the first session at Benares to collect information relating to the courses of study in the various Indian Universities.

I would indicate the object of this symposium by quoting from a recent report on The Political Science curriculum in U. S. A. by a committee appointed by the President of the American Political Science Association. The function of the Political Scientist is "to explore the bases of organised social and political life and to teach the principles of organisation that we discover." And as such he has got to ask himself questions like the following "Are we succeeding in getting the student to see himself as a part of the vast socio-political complex which is the world of to-day? Are we raising questions of goals or ends to be attained? Are we helping in the clarification of problems of right and justice? Are we acquainting the student with the facts about political



institutions and their operation? Are we aiding in making it possible for the collective life of the human race to become increasingly a matter of conscious human control? May I add that in the special Indian context to this list must be appended further issues of theory, organisation and traditional complications? Further, the war and the problems of a changing world are constantly introducing newer concepts and comparative data for incorporation in our courses of study, though without fundamentally altering the bias of our courses.

But, have we any special bias in our prescribed courses? In certain Universities the study of Politics is still an integral part of the History faculty or the Economics faculty. In many Universities, naturally politics and administration are taught along with History, Philosophy, Economics, Sociology, Geography etc but there is hardly the co-ordination even in the same university between the respective Boards, teachers and courses, which for instance, is one of the features of the syllabus say of London or Harvard. Further, the topics selected for public service examinations are random choices, which seriously detract from the importance which might be given in university courses.

Coming to further details, one notices a lack of symmetry in the hierarchical order of subjects of study. In Calcutta, if a student takes up Public Administration in India as one of his additional subjects for the Matriculation examination, reads Civics and Economics in F A, Economics and Politics in B A, and Economics as his M A subject—Indian administration is a constant subject of study over a period of about eight years. Personally, I think that the introduction of newer and newer subjects in the Intermediate stage is leading to narrow alleys a large number of students whom the universities should have first introduced to the wider varieties. It is high time that a system was adopted for the undergraduate stages under which students taking Politics were obliged to take up two or three of the following 50 marks or 100 marks subjects — (a) History of England, Greece, Rome, (b) Modern European history, (c) Elements of anthropology, (d) Elements of Human Geography, (e) Special period of Indian history, (f) Elements of Statistics, (g) Indian Economics, (h) Economic theory, including public finance and international economics (i) One modern European language (j) Logic (k) Psychology, (l) Elements of Sociology. Undoubtedly, it would also involve

the splitting up of the teaching of Politics in the intermediate and B A stages in 50 or 75 marks divisions adaptable to students of other subjects *e.g.*, (a) Theory of the state and the current "issues" (b) Indian administration (c) European Governments, (d) Government structure comparative (e) Indian political thought (f) Modern European political thought I know that I am proposing a change which involves a process cutting into the compartmentalism of our studies

Lastly, I would suggest two points re honours courses and post graduate courses Every university should arrange for the honours teaching of politics, which should emphasise special topics of (a) Indian Political thought (b) the constitutions of Asiatic and lesser European countries by **rotation** and (c) Special texts like 'Arthashastra' 'Ain-i-Akbari' selections from Marx or Pareto (with a view to introduction to borderland, inter related studies), etc In the post-graduate course, one fourth of the marks must relate to some related subject or subjects (Philosophy, History, Anthropology, Economics, Islamic culture, Ancient Indian History etc) chosen at the student's discretion based on a planned course by the Boards of studies concerned It is after the M A degree that the special **research** course should be introduced, in order that confusion in unwary mind may be lessened over the comparative merits of recipients of M A, M Litt, D Litt, degrees on the presentation of these and other similar qualified after a longer period of apprenticeship

The Conference is a forum where these suggestions can be thrashed out and that is the apology for this short note

3

## A NOTE ON POLITICAL SCIENCE SYLLABUS

BY

DR BANI PRASAD,

*Department of Politics, University of Allahabad*

We are very grateful to Prof B N Benerjee for a very careful and comprehensive note on "Political Science syllabus in Indian Universities" I agree in general with the suggestions that he had made I need stress only a few points

(1) The Political Science should be recognised as a separate subject like History or Philosophy in every university

sity for the B A and M A degree. The time has come when the practice of treating Political Science as a part of the History, Economics or Philosophy course either at the B A or M A stage be definitely given up. The significance of Political organisation and ideologies has vastly increased in modern age. It is a part of the training for citizenship that a very large number of university students should possess a thorough grounding in political ideas and institutions.

(2) In this connection it may also be emphasised that the teaching of Civics at High School and Intermediate stages and of Politics at the B A, and M A stages be entrusted to those who have taken degrees in Political Science. The practice of entrusting the teaching of Civics or Politics to History or Economics graduates is scarcely satisfactory. It is desirable to impress on the authorities of colleges that whenever they start Civics or Politics as new subject in their institutions they should secure the services of M As in Politics.

(3) It is desirable that at the B A stage every student of Politics should study a few modern constitutions including that of Indian and Political theory with special reference to modern times.

(4) At the M A stage it is desirable to offer a variety of options including Sociology, Administration and Local Self-Government in general, Indian administration in particular, Ancient Indian and Islamic thought, Greek, and Roman institutions, and Political thought, International affairs and international Law and modern constitution of Europe, the U S A, India and other Asiatic countries.

## 4

## COURSES OF STUDY IN POLITICAL SCIENCE

BY

DR GANESH PRASAD M A, Ph D (London),

*D. A. V College, Srinagar*

Must register the changed and changing world. Constitution to be divided on the basis of systems, actual working be emphasised, Modern Theory, the main part of theory paper, Abstraction be avoided.

For post-graduate classes papers on Indian political thought and international Relations including Modern world be compulsory. Long essay paper be replaced by a short essay one. *Viva voce* be abolished, constitutional History along with political movements and currents.

Ph D degree be awarded 3 years' research work, research be real contribution. *Viva voce* necessary.

Three years' course for graduation necessary.

## 5

### A NOTE ON STUDIES IN POLITICAL SCIENCE

BY

DR. J. N. KHOSLA, B Sc, Ph D (London), Bar-at-Law,  
*Reader in Political Science, University of the Punjab, Lahore*

The question of studies in Politics and the method thereof must essentially be divided into three parts.

(a) For graduation in most of the Indian Universities the student does not get the broad foundation so necessary for undertaking specialised work. Each student should be given a doze of at least Economics, History and Psychology. The correlation between the subjects is obvious.

(b) For M A at present there seems too excessive specialization. The M A stage in most of the Indian Universities is equivalent to the B A stage in England. Even at this stage it is essential for the student to have better grounding in certain allied subjects. For this purpose the best scheme would be to have 10 papers in two years. Five papers in Political Science, two in one of the allied subjects, one in another allied subject, one in Statistics and the 10th paper on a text from 2 or 3 philosophers preferably Indian, to be studied in their original language, the students being required to master only one of the languages. Alternate groups of allied subjects may be presented. Political Science is not a purely unitary science. It is, in fact, a coordinating science.

For this purpose the present scheme of separate schools of social subjects would not do. What is needed is a school of Social Sciences which should serve as a clearing house of ideas.

(c) For Research, the first requisite is a central organization which should be engaged in the scientific collection of

political data. Secondly, greater library facilities must be provided. Thirdly, research in Indian, modern and ancient theory and in practice must be encouraged. Stress should be laid on the availability of material rather than the attractiveness or importance of a subject. However attractive and exalted a subject may be, if material is scanty the Research student cannot get sufficient amount of exercise in technique.

## 6

A SCHEME OF COURSES IN  
POLITICAL SCIENCE

BY

DR P N MASALDAN, M A Ph D,

*Lucknow University*

The paper proposes that the study of Political Science should be pursued with more practical aims and only such students who study or have studied allied subjects should be permitted to take up the subject. Primary importance should be attached to the understanding of basic principles rather than the facts of political organisation. A study of Indian administrative system and constitutional problems should form a much greater portion of the courses in Indian universities. The courses for M A classes should consist, besides some compulsory papers, of alternative groups of related papers. The number of compulsory papers should not be more than one half of the total number of papers. The system of dissertation by M A students should be abolished. The paper contains also detailed proposals for B A and M A courses.

## 7

## COURSES OF STUDIES IN POLITICAL SCIENCE

BY

PROFESSOR M VENKATARANGAIYA M A.,

*Andhra University Guntur*

(Published in this Number pp 338—347)

## II

**PUBLIC SERVICES IN INDIA**

## 8

SOME SUGGESTIONS FOR REFORM OF THE  
INDIAN PUBLIC SERVICES

BY

DR P N MASALDAN, M A, PH D,

*Lucknow University.*

The paper contains suggestions of a general nature relating to the questions of classification, recruitment, qualifications and training, promotion and guarantees. Possible improvements on the existing system and conditions are pointed out. To an extent, they are based on a comparative study of conditions of the Indian Services and of those of other countries.

## 9

THE RIGHTS OF THE PUBLIC SERVICES AND  
CONSTITUTIONAL PROGRESS IN INDIA

BY

DR P. N. MASALDAN, M. A., PH. D.,

*Lucknow University.*

Constitutional evolution in India has meant the transfer of powers of Government from the hands practically of the higher grades of the public services into those of representation and responsible bodies. An opposition between the interests of the higher services as a political class and the movement for reform was historically inevitable. The resulting distrust of the responsible bodies has necessitated the provision of special guarantees for the services against their power. That the safeguarding of the interests of the services should be a limitation on the principle of responsible Government is a peculiarity not likely to disappear so long as an English element continues in the services.

## 10

## IN-SERVICE TRAINING IN PUBLIC SERVICES

BY

DR J. N. KHOSLA, B. Sc (London), Ph. D., Bar-at-Law,  
*Reader in Political Science, University of the Punjab, Lahore*

The immense increase in the variety and complexity of governmental functions has, more than ever before, emphasised the importance of all efficiency of the administrative personnel. "Public Service" especially in India have been attractive as a career because of the emoluments, regularity of promotion, security of tenure, sheltered position and several other privileges attached to them. But there is no

denying the fact that these attractive elements have also tended to make the public servant, unenterprising, complacent and indifferent to self-improvements. Nor have the administrative departments themselves made any appreciable effort to maintain, not to say to improve, the efficiency of their staff.

"Pre-entry" training has been found useful but is most inadequate. Nor have probation and apprenticeship been productive of satisfactory results. In this paper the question and place of In-Service or post-entry training has been examined. A study of the working of agencies for such training in the United States and England, though still very few in number, is instructive. There is an urgent necessity of similar experiments in India, where a large number of Public Servants are chosen on basis other than merit, and where the public service hitherto has not been completely in time with social and political aspiration of the progressive movements in the country.

### III

## PROBLEMS OF SOCIAL AND POLITICAL RECONSTRUCTION WITH SPECIAL REFERENCE TO INDIA

### II

## POST-WAR RECONSTRUCTION

BY

DR E ASIRVATHAM,  
*University of Madras*

The kind of reconstruction which we want is not the mere constructing of something which has fallen down or been knocked down. It is constructing something, possibly on entirely new foundations, which will be in keeping with the needs of the time. In some cases, revolution may very well be a part of evolution.

The reconstruction which we want can be summed up under I **A Better World**, II **A Better India** and III **Better Men and Women**. The first two are conditioned by the third.

I *A Better World* —The last war was said to have been "a war to end war", a war for freedom and democracy, and for maintaining the sanctity of treaties, for the self-determination of nations, etc. But the years of uneasy

peace between 1918 and 1939 showed how practice failed to synchronise with the high hopes entertained. Neither the League of Nations nor the Mandatary system fulfilled all the eager expectations of their founders. In the economic field, the world witnessed an unprecedented level of unemployment. High tariff walls were erected and the whole world suffered from the Economic Depression of 1929-33.

As for the future course of events, in the years after the present war, several schemes have been put forward, the two semi-official ones being the Atlantic Charter and the Four Freedoms of Roosevelt. In the very nature of the case, they are stated in most general terms and are capable of being applied in a liberal or illiberal spirit. It is not yet officially stated that the Atlantic Charter is to apply to India. The first clause of the Charter which declared that the U. S. A. and Great Britain have no territorial ambitions does not fill any one with enthusiasm. It is like a well-fed man suffering from high blood pressure imposing a self-denying ordinance upon himself. The fourth and fifth articles which deal with the economic side promise within certain limits access to all States "On equal terms to the trade and to the raw materials of the world which are needed for their economic prosperity." Why was this promise not made even before the war? Would that not have knocked the bottom out of Hitler's claim to colonies? The last three articles deal with the means for ensuring peace, including the disarmament of aggressor nations like Germany.

Roosevelt's four freedoms are good so far as they go. But difficulty will arise when we want to apply them to all mankind. They leave out of account freedom from social and racial tyranny. Applying the four freedoms to Indian conditions, the four freedoms which we want are (1) freedom from unprovoked attack and political freedom, (2) freedom from economic insecurity, (3) freedom from social tyranny (imposed by caste, class, community, and race), and (4) freedom for complete self-expression including freedom of conscience and freedom of expression.

A Better World, as we conceive it, includes (1) the surrender of the outmoded doctrine of national sovereignty and the substitution for it of *pooled* sovereignty, (2) the establishment of an adequate machinery for the creation and maintenance of constructive peace, (3) economic justice as between nations and groups, and (4) social security.



In the not distant future, we shall require three different areas with three different political authorities—the world area for such matters as world court, world police, postal communications, air transport, world currency, etc. a regional grouping for certain aspects of labour and trade regulations, tariff and immigration regulations. These regional areas may have approximately common standards of living, common habits and systems of life. The national area will be the appropriate field for the development of educated and culture. Sub-nationalities within a nation may be afforded opportunities for the development of their own systems of education and culture.

World peace can be secured only when there is a vivid sense of world community. "Peace is indivisible" (Litvinoff). We do not want an Anglo-Saxon union laying down the law for the rest of the world nor a revival of the discredited doctrine of balance of power. Unilateral disarmament will not give us peace. Incidentally it will give to the guilty an economic advantage over the innocent (Viscount). Besides, it will not ensure good will and will not endure. Vindictiveness known as "Vansittartism" will never pay. Collective security in the most critical time may prove to be "collective insecurity", as it did in the case of China and Abyssinia. The only right solution is the establishment of a genuine international authority with a World Court backed up by an International Police or Peace Force. Aggressor nations may be excluded from that force for the time being, but not for ever. We do not want the policing of one-half of the world by another. "It should be the policing of the world by the world for the world".

On the economic side, we need constructive, long-range planning and the pooling of resources. Programmes of economic self-sufficiency and high tariffs are a folly. As much emphasis should be placed on distribution and consumption as on production. The consumer, instead of the producer, should be made the starting point of policy. The unholy trinity of economic evils in India are under-production, under-consumption, and maldistribution. In the matter of economic planning, Russia has much to teach all of us, emphasising as she does "planned production for community". "No person's gain is rooted in another person's loss". The five great enemies of India want, disease, ignorance, squalor and idleness—call for sustained national planning.

In the field of social security, the Beveridge scheme marks a landmark, emphasising as it does the Economics of Welfare rather than the Economics of Wealth. It provides a single system of social insurance, as a matter of contractual right, and not as a matter of charity. It is comprehensive and includes even employers, traders, and independent workers. India will do well to make a beginning in the direction of the Beveridge scheme by providing universal employment, standard wages, and sickness insurance.

II *A Better India* is a vital part of a Better World. It means (1) a United India much along the lines of the Cripps Scheme, with provincial autonomy—primarily in educational and cultural fields, (2) planned production for community consumption, including as it should (a) the raising of the efficiency of agriculture by providing metalled roads to every village, by the elimination of middlemen-sharks, and by providing better marketing facilities. Tax may be collected in kind where necessary and agriculture may have to be subsidised. For years to come food crops should be encouraged rather than commercial crops. We need better cattle and more cattle fodder as well as adequate farm implements and extension of the irrigation system.

(b) The industrialisation of India cannot be stopped, but it should be regulated from the very beginning so as to serve the interests of the people. It should be humanised and, as far as possible, nationalised.

(c) State aid is required for shipping, aeroplane manufacture, etc. Railways, mines, heavy industries, and possibly even land may be brought under collective ownership and control. Foreign vested interests should be liquidated, using the present favourable sterling balance.

(3) There should be genuine democracy which pervades every walk of life, working from the bottom up—from self-governing village communities to the nation.

(4) Freedom from social tyranny is another important direction along which reconstruction should take place. The tyranny of caste and community and invidious distinctions against women have no justification whatever.

(5) Educational and health facilities should be made available for all, the liquidation of mass illiteracy being given the pride of place. No hard and fast line should be drawn between technical and literary education. Every child should be given both, the exact proportion of each depending on the

capacity of the child. Pre-school and kindergarten education should receive close attention.

National health and balanced diet open up immense fields for enthusiastic activity. A hungry stomach or ill-balanced diet and radiant health are a contradiction in terms.

III *Better men and women*—This is the only sound foundation of any programme of reconstruction. The grinding poverty of India is largely responsible for the dishonesty of the labourer, the shop-keeper, the trader, and even the professional man. But "freedom from want" alone will not solve it. So many of our slave virtues such as dissimulation will disappear when we have our own government. But what about bribery, corruption, and untruthfulness which are rife in the country? The removal of these call for intensive training in citizenship, inculcation of service ideal, and of changed moral and religious outlook. India stands head and shoulders above other countries in the realm of passive virtues—virtues such as patience, long-suffering, meekness, and spontaneous hospitality. But she needs to make much headway in the realm of active virtues—downright honesty, courage and manliness—if a better India is to become a reality.

When we turn to the West we find that the apathetic trust which people have in their political leaders is appalling. The willingness to think and act for oneself is almost absent. The uniformity of outlook in politics, religion, and social behaviour is not killing. There is an unconscious belief that the "Coloured" man is different from the white man and, therefore, does not require the same comforts and is responsible of the same depth of feeling as the 'white' man. In the new world which we envisage the principles of reconstruction must be the same for all.

12

## THE EXECUTIVE IN INDIA—A SUGGESTION

BY

PROFESSOR A. AVASTHI,

*Hislop College, Nagpur*

A difficult question that will face the future constitution-making body will be the form of Executive to be adopted in India. The paper is based on the thesis that Parliamentary

Government is not suited to Indian conditions. An attempt is made to suggest a form of Executive that may work in India. The form does not follow any orthodox model and should be judged on its own merits.

---

13

## RECONSTRUCTING INDIA

BY

MR BODH RAJ SHARMA, Lecturer in Political Science,  
*Government College, Lahore*

- 1 The Demand for Pakistan is real
- 2 Non-Muslims in Muslim Majority Provinces also seek protection
- 3 The best solution for satisfying both these is the redistribution of provinces creating homogeneous units having people of one community only

For this purpose migrations should take place as proposed below

4. Migrations are not a new thing. Example of the past
5. Difficulties in the way of migration. Property of the towns and of the talukdars in Bengal, Bihar, U P., Madras etc. Not insurmountable
6. Government should take census of those willing to migrate and calculate the value of immovable property by the help of revenue papers. It should give land in exchange for land and property in exchange for property, to migrants
7. Migrations should be in the same province from one part to another. These will cause comparatively less inconvenience
8. Advantage that will accrue if smaller provinces are created having people of one community only. Examples from U S A
9. The position of the centre, in this arrangement.
10. The position of the states
11. The redistribution of British Indian Provinces, mostly based on languages. 26 provinces instead of the present day eleven

## 12 The areas, population strength and the number of Muslims in each province

There will be 8 Muslim Provinces with six Muslims colonies and 18 non-Muslim provinces with 4 Hindu colonies, six Chief Commissionerships to continue

## 14

## POST-WAR RECONSTRUCTION WITH SPECIAL REFERENCE TO INDIA TRAINING FOR DEMOCRACY

BY

PROFESSOR INDRA DATTA SHARMA

*D. A. V. College, Lahore*

In this paper an attempt has been made to study the problem of democracy, with particular reference to India

It is pointed out that the problem of democracy is no more a national problem but is international in its scope. The new international organization and national organization, if to be permanent, workable and creative, has to be democratic. And in such an organization the common man has to play an important role.

Further, the paper attempts studying whether the common man is fit to play his part, if he is not, how he can be made fit for it.

It is suggested that to train the common man in India for the task facing him, it is necessary that he is give a faith of a democrat to live by, he must be educated in political principles. It is pointed out that the whole system of education in India needs overhauling. Further, to give special training in political democracy, a scientific knowledge of political principles and problems may be imparted to the common man by some independent organization. Political parties can play an important part by not establishing research associations to study political problems and explain them to the people

## 15

## THE NATIONAL QUESTION IN INDIA

BY

DR K B KRISHNA, M. A., Ph D (London),

*Bombay*

The question is divided into 5 sections

The first section deals with the point that India has its national question. The national question is the self-determination of nations in India. This is neither the Hindu right nor the Muslim right, but the right of self-determination of nations in India.

The second section discusses what a nation is ? India is not a nation but a constellation of nations and tubes of various stages of development.

The third section deals with the origins of Pakistan movement. From communalism to redistribution of provinces on linguistic lines from this to Pakistan, that is its ancestry. The mercantile classes, the League, the Muslim intellectuals and Jinnah watered this movement.

The fourth section discusses the attitude to be taken by the League and the Congress towards this question. It is suggested that they should come out boldly for self-determination of nations in India and for the present work of a national Government based on League and Congress Joint committees.

The fifth suggests an All India Union with multinational units as a solution and discusses the practical difficulties and the immediate plans to reach the goal.

## 16

### THE MECHANISM OF MULTINATIONAL FEDERATIONS

BY

MR V K N MENON, M A (OXON) Reader in Political Science,  
*Lucknow University.*

At the end of the present war the question will arise, in connection with the problem of political reconstruction, but in the world in general and in India as to what form possible international federations and a re-thought-out Indian Federal scheme should take.

It is pointed out in this paper that such federations as have already existed in the world have been mainly un-national ones, or systems where a second 'nationality' has been only a subordinate factor. The Swiss and the Soviet systems are indeed exceptions but their circumstances are also exceptional.

It is suggested, therefore, that in considering the mechanism of large, democratic and powerful multi-national federations of the future, the experience of the past has to be revised and improved upon, particularly in the sphere of the construction of the Central Government. And this is as much applicable to the question of adjoining states abroad as to an Indian federation where the linguistic factor introduces a problem not always fully realized in this connection.

## 17

## POST WAR RECONSTRUCTION LABOUR

BY

MR. NAND LAL GUPTA,

*Lahore.*

In this paper an attempt is made to study the labour problem with special reference to post-war reconstruction in India.

This paper points out that the labour problem in India is altogether a different one from what it is in the western lands. In India, the labour is mostly agricultural. The industrial labour as an organized and disciplined class in the western sense is non-existent in this country. It is pointed out that the most fundamental step to be taken in the solution of the labour problem is to increase the productive capacity and purchasing power of the labourer. It can be done only through the elimination of the present feudal system of agricultural production. Agriculture may be modernized and rationalized. Common or state ownership and collective farming with state credit are advocated.

Similarly, in the industrial field, it is pointed out that the huge labour which is going waste can be harnessed if the country is highly industrialized. The industrial labour may be given a direct share in the management of the industry through industrial parliaments consisting of labourers and employers and through labour advisory bodies consisting exclusively of the labourers.

## 18

INDIA'S ROLE IN THE BRITISH COMMONWEALTH  
IN A RECONSTRUCTED WORLD

BY

DR. B. M. SHARMA,  
*Lucknow University.*

Attention of all foresighted thinkers is at present focussed on problems of post-war reconstruction, social, economic and political. This is the natural result of the most devastating war known to history, which has threatened the foundations of modern civilization.

In this paper an attempt is made to analyse the real problems that would arise in the post-war world, the position of the British Commonwealth in that world and the role India ought to play in it. In the present war, the forces of evils represented by Fascism and Japanese Imperialism are said to be arrayed against democracy which stands for the liberty of the individual and freedom of nations striving for world peace which promises fair treatment of all groups.

The United Nations dominated by Britain and America proclaim that they stand for justice and fairplay for all nations. Roosevelt and Churchill issued the Atlantic Charter detailing for the first time, their peace intentions issuing from their war aims. Russia, China and the British Commonwealth have all been contributing their full share towards the achievement of final victory.

President Roosevelt has come forward with the promise of his four freedoms which, he assures us, would be guaranteed to every individual after the war. As a practical proof of his seriousness in the assertion of these aims he has taken two steps: the Repeal of the Chinese Exclusion Act which, he admitted was a great mistake inasmuch as the Act had done injustice to 'our Asiatic neighbour,' and the removal of disabilities from which the negroes have been suffering in the U S A. The reiteration of the American intention to restore independence to the Philippines is the old story retold in other words.

The other signatory to the Atlantic Charter, *viz*, Churchill, has several times repeated that Britain will stand for the restoration of liberty to all the Hitler-ridden nations of Europe. His offer to India was contained in the Cripps proposal. He has more than once proclaimed that he has no intention to preside over the liquidation of the British Empire. Regarding the Europe-ridden continent of Africa neither Roosevelt nor Churchill has said one word, beyond just a minor announcement in the British Parliament that after the war Italy's Empire in Africa will not be restored to her.



It is asserted in this paper that problems of post-war reconstruction, if they are to be solved satisfactorily, must be tackled as a whole. Standard of political or for the matter of that international morality must be one in its application to the different continents whether at present Hitler-ridden or Europe-ridden. All the devastating wars in the last three centuries have resulted from the greed and rivalries of the European nations for supremacy over the weaker or less organized nations of Asia and Africa. Problems relating to colonies, raw materials, economic warfare, etc. are but the offshoots of political and economic imperialisms pursued by practically all the European nations, United States of America and Japan. Asia and Africa have been the pawns in the game even though Europe has been the main chess-board.

The horrors of war, the intense sufferings of the civilian populations in the two great wars, more particularly the present one, have echoed in every heart and opened the talks, the schemes and the plans for a better world, or world peace. In the last war Wilson enunciated his fourteen points which became a dead letter. In the present war history is repeating itself. But the British Commonwealth and India are two major problems and factors that must decide the success or failure of our post-war Reconstruction Scheme.

It is submitted that all kinds of imperialisms, irrespective of their origin and colour must be liquidated, for all of them lead to similar kinds of sufferings, and lead to unrest among large communities. India with her heritage of a culture based on human freedom has a desire to play an important role. She was denied internal freedom and international equality till now, on the ground of her inability to defend herself. The present war is the answer to the objection, Britain could not defend the Commonwealth and India without American aid, or even without Chinese aid.

Science has brought all nations nearer to each other and created new problems which no nation, however powerful, can solve by itself. India is, therefore, not merely British problem for the reconstructed world. Four hundred millions have a greater right to free existence than 'people in a remote corner of Europe' as Chamberlain described the Czechs. Regional solutions may be found necessary. It so, India and Australia have more problems in common than England and India or England and Australia.

The present trend in the Commonwealth is towards greater freedom to the partners in their external relations. India must be guaranteed the equality of opportunity and development with other members of the British Commonwealth.

Are the present leaders in England or the Commonwealth or America competent to handle the problems of post-war reconstruction with the same amount and promise of success as in the war? Perhaps not. New problems with new vision must be solved by younger men with broader outlook shorn of all pretension of imperialism. India is the main crux of the world problem of reconstruction. Her contentment will decide also the future of China and Africa.

19

## THE APPOINTMENT OF GOVERNORS IN INDIA - A SUGGESTION

BY

DR P N MALHAN, M A,

*Fateh Chand College Lahore*

In a progressive constitution the selection of the head of the Executive is of vital importance. It is more so in India, because the Governors are not only the heads, but the supreme Executive functionaries themselves. They are the pivots round which the whole structure of Provincial Autonomy rotates. On their personality and political outlook depend in a large measure the success of the scheme. It is imperative, therefore, that the nomination of the Governor be governed by some sound principles.

From an analysis of the theory underlying the present system of appointment of the Governors in the non-Presidency Provinces, and from the actual working of autonomy in them, it has been shown that I C S Governors, temperamentally and politically are unfit to pilot the ship of Autonomy. The basis of the appointment of the Governors in the Presidencies is somewhat better. But in practice even they have not proved an exception. They have alike failed to infuse a better spirit in the provincial administration.

It has been emphasised in this paper that Autonomy can still be a success if the right type of Governors are chosen. The various proposals are scientifically examined. But the following practice is commended for adoption.

## SYNOPSIS OF PAPERS SUBMITTED

- 1 (a) The selection of the Governor of a province should be confined only to a person belonging to Indian Public life
- (b) Candidates should be broad-minded persons, preferably well-versed in Parliamentary life, but essentially non-partisans
- 2 The appointment may be made by the Crown on the advice of the Central Government. Provided, however, that if there is a mutual agreement amongst the major communities, as represented in the Provincial Legislative Assembly or Assemblies of a particular province, to rotate the office amongst them, in turn, the appointment may be made by the Crown on the advice of the Central Government, which shall choose one of the four names suggested by the Provincial Government concerned.

It is further pointed out that this method can continue even where India enjoys full Dominion Status. Some of the methods of selection are also examined. But consistent with Indian conditions it has been shown that the system proposed commands better prospects of success.

## 20

### A NEW NORTH-WEST FRONTIER POLICY

BY

MR ANUP CHAND KAPUR, M. A.,

*Department of Political Science*

*University of the Punjab, Lahore.*

The policy hitherto pursued, inspite of its pacific professions by the Government of India towards the North-West Frontier, since the annexation of the Punjab in 1849, had been primarily influenced by imperial rather than local considerations, necessitating Forward movements in the Tribal territory. The conclusion of the Anglo-Russian Convention in 1905, did not bring about any change in the policy and the menacing problem of Tribal raids and incursions on the British territory which, even today, have continued unabated.

An attempt has been made in this paper to analyse the policy of the British Government and suggest certain means

by which the vexing problem of the North-West Frontier of India can be usefully solved, if an endeavour be made in right earnest. The basis of the Tribal unrest is neither the machinations of Afghanistan, as Dr Collin Davies maintains, nor merely the inherent religious fanaticism of the tribesmen, as is often urged by official experts on the question. The real basis lies in the socio-politico-economic structure of the Pathans. One must approach the problem sympathetically and aim at reform rather coercion which in the long run can never prove successful.

## IV

## INDIAN POLITICAL THINKERS SINCE 1858

## 21

## RABINDRANATH AND THE CULT OF NATIONALISM

BY

PROFESSOR D N BANERJEE,

*Head of the Department of Political Science, University of Dacca*

The object of this paper is, in the first place, to analyse the views of Rabindranath Tagore on the cult of nationalism as it has developed in the West. Secondly, an attempt has been made in it to consider these views in relation to the problem of world peace. Thirdly, notice has been taken in it of the Poet's exhortation to Japan "to take its stand upon the higher ideals of humanity and never to follow the West in its acceptance of the organized selfishness of Nationalism as its religion". Finally, the views of the Poet on nationalism have been incidentally compared in it with the views of Machiavelli, Joseph Mazzini, Alfred Zimmerin, Harold Laski and one or two other thinkers, on the same question.

## THINKERS OF THE PARTITION PERIOD

BY

DR GANESH PRASAD, M. A., PH. D. (LOND.),

*D. A. V. College, Simnagar*

Social back ground—The Renaissance—The administration of Lord Curzon—The Liberal ideology and its reaction  
The Partition

Bomb-throwing—creation of terror and anarchy—Rousing the people—Religious sanction—Racial antagonism—Appeals to people—India's past quoted—Suppression inflated ranks

Independence, the main purpose—No theory of state—Not anarchists—Simply young militant nationalists—Failed but constituted land work in Indian history

---

23

SWAMI DAYANANDA 1824-1884

BY

PROFESSOR INDRA DATTA SHARMA,

*D A V College, Lahore*

In this paper an attempt is made to assess the importance and value of the political philosophy of Dayananda in the light of modern developments in Indian politics. However, the paper points out that the Swami did not claim any originality in the political principles and institutions which he advocated, but drew from and upon the Vedas and other Sastric literature on the subject.

In conclusion it is pointed out that though the doctrines advocated by Dayananda have lost some of their importance because of the changes in political thought and practice, they played an important role in putting India on the road to its modern political and social development.

---

24

RAJA SIR T MADHAVA RAO'S PRINCE OR THE  
LAW OF DEPENDENT MONARCHIES

BY

PROFESSOR S V PUNTAMBEKAR,

*Hindu University, Benares*

(Published in this Number pp 293—305)

25

A SUMMARY OF VISHNU BAWA BRAHMACHARI'S  
SOCIAL AND POLITICAL TEACHINGS (1825-71)

BY

PROFESSOR S V PUNTAMBEKAR,

*Hindu University, Benares*

- (1) Vedic religion is the highest
- (2) All rulers must carry on their governments according to the principles of ideal politics
- (3) Then people will not commit crimes
- (4) The principles of ideal politics consist in *considering mankind as one family, and all land or wealth as common property*
- (5) All products belong to all in common
- (6) All should get food, clothing and other things
- (7) Then there would be no anger, no crime
- (8) People should work according to their ability.
- (9) Government should give according to their needs
- (10) Rulers should start new industries and improve old ones
- (11) Workers should be paid their wages regularly
- (12) Food, cloth, ornaments etc should be collected and distributed to all according to their needs
- (13) There should be modern means of communication and power in all places
- (14) There should be State-aided and State-supervised marriages, education and employment
- (15) In old age there should be no work, and old people should be provided with food

He was not merely a revivalist as his golden age was not in the past. His picture of a future society a new human commune was a utopian and revolutionary one. But it was not a complete one. It did not correlate all factors and facts of contemporary changing life. He did not develop any philosophy of history to interpret its course.

His whole preoccupation with socio-political theories arose not out of a scientifically sociological attitude but out of his humanitarianism, his sympathy for the people and his strong reforming tendency.

There is a sweeping radicalism in his proposed forms for the new system. He overlooks a number of fundamental human habits. He argues earnestly that the existing human material can be organised into a new human society of a socialistic type, where the interests of all classes will be identical, the profit system will no longer exist and the products will be distributed according to reasonable needs.

## POLITICAL IDEAS OF MR GOPAL KRISHNA GOKHALE

BY

MR P V RAMUA

*Research Student, Andhra University.*

*Introduction* —In the period after 1858 Mr Gokhale had been acknowledged as one of the greatest political thinkers of India. He was the most typical representative of moderation in Indian politics. Let us consider his political ideas and confirm the veracity of the above statement.

In 1896 he appeared before the Welby Commission, appointed to enquire into the system of Indian Finance, and gave evidence in a thorough and masterly fashion. This initial success was more due to the influence of the moderate politicians of the day like M G Ranade and G V Joshi who were really responsible for shaping the whole political thinking of Mr Gokhale. After an active career for a couple of years in the Municipal Corporation of Bombay, he entered the Imperial Council in 1901, on the retirement of Ferozeshah Mehta. Throughout his public life, he expressed his moderate views on all political problems.

### His Political Doctrines

1 He never attacked the ultimate source of political power in India, on the other hand, he emphatically advocated the maintenance of British connection for the future progress of Indians. He also firmly believed that the future of our country must be evolved and shaped within the British Empire. He tried to co-operate with Government as far as possible while giving expression to Indian view point at every stage.

2 He felt that self-Government to Indians, within the Empire, should be achieved by changes that are brought about through constitutional means. He detested the cult of the bomb and other terrorist activities as means for political advancement of the country.

3 His attacks on Government were more directed against the bureaucracy which he condemned as the real cause for the evils of British Rule.

4 He began to feel that peace and order were the essential pre-requisites for any kind of progress. He expatiated upon the same idea at length in his speeches.

5 He believed in the principle of leadership and disciplined obedience from the followers for the success of a nation.

6 He shared the same idea along with John Locke, an exponent of Social contract theory, when he remarked that his idea of Government was that it should be treated as a trust. He exhorted the Government to adopt a policy of more trust by throwing open higher offices to Indians as well.

7 He felt that the trust must be properly executed and this requires that everything done by Government should promote the welfare of Indians. With this principle in view, he suggested the following reforms to be put into operation by Government.

#### **The Reforms he advocated**

- (a) Reduction in military expenditure and expenditure on civil salaries which were, very enormous.
- (b) Increase of expenditure on social services like Sanitation, Education, etc.
- (c) Formation of a national militia as essential.
- (d) Compulsory Elementary Education.
- (e) Admission of more Indians into higher ranks of civil and military services.
- (f) Just and equal treatment to be accorded to Indians in South Africa.
- (g) More responsibility to be transferred to Indian hands by encouraging local self-government and increasing the Indian element in the legislative and executive councils.

We can conclude, from all the above political doctrines and reforms, that Mr. Gokhale was the mouthpiece of the moderate party in Indian political life.

26

**GOPAL KRISHNA GOKHALE—THE LIBERAL  
PIONEER WHO SPIRITUALISED INDIAN POLITICS**

BY

PROFESSOR T. K. SHAHANI,  
*Samaldas College, Bhavnagar*



I The 19th century Liberalism in the West had its influence on India Gokhale responds to the call

II. India under Lord Curzon the Indian National Congress causes some awakening in the country Gokhal becomes the spokesman of the People and of Indian Liberalism His speeches make a landmark in the Political Thought of India

III The main features of Gokhale's Political Thought —

- (a) Remove the obstacles and give equal opportunity to all Special attention to the masses, the educated classes and provincial inequities
- (b) Liberalise Political Institution and administrative machinery
- (c) Constitutionalism—as Gokhale's method of approach to public questions no place for "direct" action in his philosophy
- (d) Nation-building based on the solid unity of all India Hindus, Muslims and Englishmen. Necessary conditions for the national structure —devoted leaders and loyal followers: disinterested pursuit in the service of the country

IV Gokhale spiritualised Politics—Truth, Honesty, Tolerance and self sacrifice were the outstanding points in his utterances and action

He will live for ever ' ———

## MOSLEM POLITICAL THOUGHT SINCE 1858

BY

MR. SACHIN SEN

*Calcutta.*

1858 marked the frank assumption of power by the British Crown. It was difficult for Moslems to forget that the East India Company obtained their footing in Bengal as the servants of a Muhammadan Empire and that they maintained the mask of Moslem rule so long as it was needed. Moslem creed demands an absolute, a living, and even an intolerant belief, and does not seek to forge a higher and deeper synthesis, Moslem theology teaches the doctrine of religious war against infidels, Moslem jurisprudence teaches that the civil and religious law of Islam and the civil and religious status of Moslems are inseparably mixed

up Moslems therefore could not take kindly to the establishment of British rule in India, they held aloof from the system inaugurated by the British, the loss of their superior position was keenly felt ; their pride and conceit influenced by their creed and theology made them sullen. Unlike the Hindus whose eclectic minds, synthetic attitude and experimental habits made them accommodating to new environments, Moslems could not and did not accept British rule as an inevitable fact in history. The Wahabi movement with its emphasis on the doctrine of religious war against infidels was the first serious attempt at the extermination of British rule. The Moslems who had drunk deep in the Wahabi doctrine of religious war found in the Mutiny of 1857 an invitation to take revenge on the British.

The suppression of the Mutiny and strong measures against the Wahabi preachers under Regulation III of 1818 made the Moslem upper classes nervous and shy of their sympathy with the doctrine of religious war. They procured three distinct sets of legal decisions proclaiming that Moslems were under no religious obligation to wage war against the British Government in India. Syed Ahmad Khan appeared as the saviour of the Moslem bourgeoisie. The Aligarh movement inaugurated by Syed Ahmed Khan was based on cheerful acceptance of British rule in India, and it was sustained by a spirit of competition with the Hindus in the matter of securing crumbs of favour from the ruling race. Sir Syed's basic ideology was that Moslems must assert and win the race with the main prop of British support.

Sir Muhammad Iqbal propounded that Islam was non-territorial in its character, that the nationalist theory of State was un-Islamic, that the spiritual and the temporal were not two distinct domains in Islam and that the formation of a consolidated North-West Indian Muslim State was the final destiny of the Moslems of North-West India. He had the vision of a vast Moslem republic.

The Khilafat movement in India arose from the basic creed of Moslems that the continued existence of the Khilafat as a temporal no less than spiritual institution was the very essence of their faith and that the Turkish Sultan was the only sovereign who could discharge the responsible duties of protecting the holy place of Islam. The Khilafat movement was frankly a re-assertion of the doctrines of Wahabi sect, and it sought to stir up revolt amongst the masses. From political strategy it adopted the extraordinary method

of co-operating with the Hindus in the furtherance of its mission. It was thus a temporary reversal of the Aligarh movement which sought to stabilise Anglo-Moslem friendship in the interests of the Moslem bourgeoisie in scorn of any alliance with Hindus

The Pakistan movement registered a return to the methodology of the Aligarh movement and a diplomatic orientation of the Wahabi doctrine of religious war. It is allied to the Aligarh movement in matters of strengthening Anglo-Moslem friendship, non-co-operating with Hindus and safeguarding the interests of the Moslem upper classes through State patronage. It interpreted the Wahabi doctrine of religious war in the sense that the areas where Moslems predominate are parts of a Dar-ul-Islam and that Jihad is lawful and obligatory against the infidel Hindus seeking to interfere with Moslem observance, faith and interests

**Conclusion :—**The Wahabi movement started by Sayyad Ahmad, the Aligarh movement inspired by Sir Syed Ahmad Khan and the Pan-Islamic movement whetted by the philosophy of Sir Muhammad Iqbal from the ideological background of the present-day Indian Moslems. The movement for separate electorate was the direct result of the Aligarh movement; the Khilafat movement in India sprang from the concept of a Moslem theocracy under one Caliph, the Pakistan movement of Mr M A Jinnah is a reaction of the Moslem bourgeoisie against the tide of Indian nationalism seeking the transference of power from Whitehall to Delhi. Moslem political thought is not Indian, it is leaning on Islamic creed and theory, and those who have influenced the political ideology of Indian Moslems are more religious reformers and philosophers than political thinkers. To miss this cardinal point is to misunderstand Moslem political thought in India.

29

## POLITICAL IDEAS OF AITCHISON

BY

Dr K. N. V. SASTRI, M. A., Ph. D. (London), F. R. Hist. S.,  
*Bangalore.*

1. A brief sketch of Aitchison's life and career.
2. His paper, printed and not published, on 'The Native States of India' is perhaps the best study of the Treaties and Sanads which he compiled and edited for the Government of India, his thesis being that supremacy and non-interference can be fused into one practical scheme

3 Subsequent to his writing this papers, many thinkers have written upon the subject, and the Butler Committee investigated it thoroughly. But Aitchison's ideas still rule the day. Paramountcy and Freedom co-exist before our eyes.

4 However the forces which Aitchison could not well foresee or provide for are those which the two great Global Wars have let in during the present century, *viz.*, the *right to Union* among the states, and duties of *Princes* to their subjects, and people of India.

---

30

## DAYANANDA AS A POLITICAL PHILOSOPHER

BY

DR. B. M. SHARMA,

*Lucknow University*

Dayanand is better known to the world as a socio-religious reformer than as a political thinker, although we find him, from his works, a deep political philosopher with a practical bent of mind. All his works particularly the sixth chapter of the *Satyarthprakash*, give to the reader a coherent view of Dayananda's view of the State and its functions.

Dayanand gives the individual full liberty in all his private life and undertaking, guided, however, by definitely laid down principles of morality, and yet ties him to all the loyalties he owes to the society, as a member of a family, as a citizen and as a human being. The individual reaches his full stature only after he has acquired the right type of education which is also prescribed having regard to the necessity of developing all the latent faculties of the person. Man and woman enjoy equal right and status in society, subject to the discharge of their respective duties in the family. But he does not believe in co-education and also uniform standard of teaching. Each is to receive the type of education to his or her role in society. A family is like a miniature State whose happy and peaceful life contributes to the happiness of the larger society.

Dayanand emphasizes the fundamental equality of all men, and assigns them equal rights. Society is divided into four *varnas* not the present day castes, on the principles of division of labour so that each individual follows the duty

he is best fitted for. Dayanand devotes considerable attention to the social structure in great details. All social evils are ruthlessly to be suppressed in the interest of the individual and the group. He advocates free education to all, marriages between persons according to their choice and suitability, and with due regard to the needs of a strong and prosperous posterity.

Dayanand portrays a democratic society in which the principles of equality are emphasized. This is clear from the structure of the Aryasamaj in which elections, representative principle, rotation of office-bearers, etc., are practically followed. He is democratic by nature and conviction. In the larger field, he believes in the principle of self-government, for no people have a right to rule over others. Rule by one nation over another is a sin, it leads to the unhappiness of the latter and ultimate unmorality of the former resulting from the inherent vices of imperialism.

Dayanand prescribes a constitutional, limited, and benevolent monarchy as the best form of government. But his monarch must possess certain qualifications and adhere to definitely laid down principles of government. He is to rule with the advice of ministers, and to work for the general welfare of the community. His chief duties are education of his subjects, protection of religion, and general political administration. Each of these duties must be performed with the help of committees consisting of qualified persons.

Within the State, Law is supreme. Dayanand's conception of law is the same as that of Manu. The King is servant of the people and as much bound by law as any ordinary subject. Law is in fact King. King is to be punished for breach of law.

Realising the supreme necessity of safeguarding the rights of the individual, Dayanand emphasizes the need of a strong and impartial judiciary which must fearlessly administer justice. There can be no happiness in the State if justice is sold or disregarded.

The aim of the State is the development of the individual, happiness of the community and ultimate peace among mankind. Dayanand views the world a group of self-governing states at peace with each other. War must be avoided, and peace must be aimed at, true and universal peace in every quarter.

31

## THE POLITICAL THOUGHT OF SIR SYED AHMAD KHAN

BY

PROFESSOR H K SHERWANI, M A  
*Osmania University, Hyderabad (Deccan)*  
(Published in this Number pp 306—328)

32

## THE POLITICAL IDEAS AND IDEALS OF RAJAH SIR T MADHAVA RAO (1828—91)

BY

RAO BAHADUR PROFESSOR C S SRINIVASACHARI,  
*Annammalai University, Annamalai Nagar*

The period of Rajah Sir T Madhava Rao's active life as administrator, publicist and writer, covered three decades from 1858 roughly. He was conscious throughout his career that the main problem of the administration of India was the adjustment of the mechanism of all intensifying bureaucracy, as far as possible, to the ideals of the emerging political consciousness of the *intelligentsia*. A healthy conservatism was an integral element of all his progressive measures, but he was well aware that the attitude of benevolent paternalism adopted by Governments, both British and Indian, was becoming rapidly unsuitable. His maintenance of the right of the Indian Princes to uphold their own laws in preference to those of the British, was remarkable. His contribution to the building up of the prosperity and stability of the great States of Travancore and Baroda, his ideas on practical statecraft and on the attitude to be adopted by Indian Princes towards the Suzerian power and its agents, his views regarding the question of Daim and the duty of vigilant criticism on the part of all citizens and civic bodies, of all measures of government as constituting the first beginnings of responsible government, his denial of the right of the Paramount power to be the sole interpreter and judge in cases of dispute—his admiration for Herbert Spencer and his individualistic ideas—these have all been touched. The pre-eminent position that the Rajah occupied among Indian publicists and thinkers of the period between the Mutiny and the birth

of the Congress was easily recognized by both the British and Indians alike. His personality was characteristic as the norm of the politically advanced thinker and progressive administrator of the times.

---

33

## SOME ASPECTS OF G. K GOKHALE'S POLITICAL THOUGHT

BY

MR VIDYA DHAR MAHAJAN

*S. D College Lahore.*

The object of this paper is to present the view of Gokhale on the various political problems that faced the country in his time.

I have tried to explain that there is no truth in the two extreme views which regard him either as a "faint-hearted Moderate" who was prepared to take what he could get and use the weapons which were put into his hands by his opponents or "a seditionist in disguise." He was neither reactionary nor revolutionary. He was a constructive statesman who understood and fought for the rights and liberties of the Indians, but at the same time did not ignore or belittle the difficulties of the British Government. While he emphasised on the Government the necessity of understanding the point of view of the Indians he requested the latter to move cautiously. His role was that of a Unifier and Reconciler.

His method of approach was constitutional. He admired the British parliamentary institutions and wanted India to follow in the footsteps of her rulers. He criticised the administrative machinery of the country. He exposed the evils in it. But he did not want the change to be brought about by revolutionary methods. It is for this reason that he supported the Indian Press Act (1910). He toured the whole country and exhorted the public to follow the constitutional methods. "It is not through sudden or violent cataclysm but only by successive steps that our goal is to be reached."

I have given his views on the British bureaucracy in India, the problem of Decentralization of finance and administration in the provinces, the communal representation for

Muslims, the policy of the Government of the military problem on India, and the treatment of the Indians in South Africa.

In short, I have tried to show that he was not only the leader of the opposition in the Legislative Council, but he was also a great leader of thought of his times who believed that the progress of India could be achieved only through gradual stages and by constitutional means.

### 34

## A NEW POLITICAL TESTAMENT

BY

MR MOHD HASHIM KIDWAI, *Research Scholar*.

*Lucknow Varsity*

The late Maulana Mohd Ali was not a mere political rebel. He was an intellectual giant.

Theocracy or the Kingdom of God on earth was his favourite theme. He intended to write a book on it in volumes. Only the first volume could be written. His overwhelming activities and active participation in the current politics did not allow him to complete this great work.

*The Purpose of Creation*.—Basing his thoughts on the Quran he found a new meaning in life. He realized that one Divine purpose was running the creation from the most ancient days. The establishment of the kingdom of God on earth was the purpose of creation. Man was to serve none but God his Maker.

*Position and Duties of Man*.—Man was not the sport or chance and slave to destiny but master of his fate. He has been endowed with a will of his own. The inherent nature of man told him that he should serve none but God. He who chose to serve none but God could not accept any inferior position for himself. It is the duty of man to have complete confidence in God. There should be no compulsion in religion ( لا اكراه في الدين ) Man should totally discard fear and falsehood. There is no separation between church and politics. The dictum 'Render unto Caesar the things that are Caesar's and unto God the things that are God's'



is criticised by him. This dictum has done immense harm to the conception of virtue itself and has destroyed religion in very form. To say that politics is insignificant is sheer cant. The separation between the church and state would nullify religion and the kingdom of God. More stress is to be laid on the part in which Jesus has demanded the things that are due to God. The Caesar could mint money but can not mint men. All has to be returned to God.

Everything fell under the purview of religion. After studying Wells he came to the conclusion that he too was diametrically opposed to Renan's liberalism and civilization.

*Nature of Theocracy* —Theocracy of Islam condemned the narrow and militant nationalism which is responsible for all bloodshed. It knew no racial distinction. God was the supreme Ruler of the Universe. Islam meant submission to His Rule. In this theocracy brotherhood pervaded. It (theocracy) is the main theme of the Qur'an. Islam has no apostles in the christian sense, no church, no church councils and no priestcrafts. Religion is the province of all the faithful.

Islam is a complete scheme of life and combines in its folds both the temporal and spiritual domains. Islamic brotherhood is a republic and the most determined advocates of liberty, equality and fraternity. Its laws are to be applied to all. These are framed by the Divine legislator.

In the Islamic theocratic state non-Muslims can administer their personal laws. No Khalifa or the head of any republic is to be obeyed if his commands are to conflict with those of God. God should be before any thing. The king is to be the shadow of God. Islam inculcates the utmost respect for property but it demands the recognition in practice, that he is a trustee on behalf of God and all that he possesses for the benefit of all His creatures.

The authority of the Ruler is upheld if he rules as Agent of God and upholds His eternal rule over all His creatures.

## NOTICE

### THE INDIAN POLITICAL SCIENCE ASSOCIATION

(Addressed by the Secretary to the members of the Association and the readers of the journal)

The New year of the Association began on January 1st, 1944. Kindly send your Annual Subscription of Rs 10/- (by cheques Rs 10/4/-) at your earliest convenience. The life-membership fee is Rs 100 and I shall be glad if you will agree to become a life-member by sending me a cheque for Rs 100/4. In case your subscription is not received before the 31st January, 1944, the next issue of the Journal will be sent per V P P. Please note and send the subscription as early as possible.

The Seventh Annual Conference of the Association will be held at Jaipur (Rajputana) either during Xmas 1944, or early in January, 1945 (the exact dates will be announced later) under the Presidentship of Professor S. V. Puntambekar, Hindu University, Benares.

The subjects for discussion shall be —

- 1 Civil Liberties in India in Peace and in War
- 2 International Relations with special reference to the East
- 3 Symposium on constitutional schemes for India

Papers not exceeding 10 typed foolscap pages should reach the President before November 10, 1944. A brief synopsis should accompany the paper and both must reach Lahore before the 10th November. This is most important.

You are requested to write a paper and make it a point to attend. *Please note that papers which do not fall within the scope of the subjects selected and which do not reach Lahore before November 10th, 1944, will not be accepted.*

A member of the Association can attend the Conference without making any extra payment. Non-members can attend the Conference, read papers and participate in discussions on payment of a fee of Rs 5/-. *Bonafide* students can attend on payment of Rs 2/- only.

All those interested in the study and advancement of Political Science are requested to become members of the Association.

January 10, 1944

J. N. KHOSLA

*Secretary & Treasurer*  
*Indian Political Science Association,*  
*University Hall, Lahore*



## Opinions on the Indian Journal of Political Science

**Sir Alfred E. Zimmern**, *Professor of International Affairs, University of Oxford* —

I have found a good deal of interest in the first three numbers. The periodical surveys are most valuable and give a most useful insight into the working of government in various provinces.

\* \* \* \*

**Pandit Jawahar Lal Nehru**, *Allahabad (July 18, 1940) writes* —

“ It seems to me a very useful journal, attractively got up, with worthwhile contents. It certainly deserves success.”

\* \* \* \*

*The Leader*, Allahabad (September 12, 1939) —

The **Indian Journal of Political Science** which is the quarterly organ of the Indian Political Science Association, has a strong editorial board. The issue for July-September contains scholarly contributions by distinguished writers. There are well-written notes on constitutional problems and international affairs, e.g., constitutional deadlocks and conventions, provincial finances under autonomy, reform of the Covenant of the League of Nations and various aspects of the new constitutional machinery in the provinces. We congratulate the editor on the judicious selection and high standard of the articles, their careful editing and arrangement and the neat printing and get-up. The Journal bids fair to be one of the most weighty and most authoritative publications of its kind.

\* \* \* \*

*The Indian Nation*, Patna (September 15, 1939) —

The Journal is the first enterprise of its kind in this country and contains valuable articles from well-known writers on and professors of political science. We are sure that a Journal of this kind, with which the names of so many prominent professors are associated, will be found extremely useful by students of political theory and political institutions in the country.

\* \* \* \*

*The Hindustan Review*, Patna (for Sept-Oct., 1939) —

The first number fully sustains its reputations as one of the leading quarterlies in the country. Its bill of fare is of high standard and it should be able to command a large circulation amongst students of Political Science.

\* \* \* \*

*The National Herald*, Lucknow (November 8, 1939) —

We welcome this appearance of the Journal as a landmark in the evolution of political science in this country. The subjects range from International affairs to provincial autonomy and the growth of administrative law in the provinces. Equal attention is paid to theory and practice.

A revolution requires workers as well as thinkers, and it is a good sign that our professors are taking their proper place as moulders of political thought and as students of political institutions. There has been a divorce between thought and action in India. The amateur has had his say too much. Progress must be fed with clear thinking and clear expression, if not, it would lead to much slipshod work. The spade-work of the American Revolution was done by political thinkers and that is why America is now a democracy which, with all its defects, stands as a rock against time. That is a lesson for India.

We commend this Journal to the student as well as to the politician.

# **Sunlight Policies**

*offer*

## **FULLEST PROTECTION**

*Against Deaths From*

**AERIAL, NAVAL & OTHER ENEMY  
ATTACKS ON CIVIL POPULATION**

**\*\***

**NO EXTRA PREMIUM**

**From Policyholders in A. R. P. Service**

**\*\***

*Insure With*

**SUNLIGHT OF INDIA**

**INSURANCE COMPANY LIMITED**

*Head Office*

**Sunlight Insurance Building - THE MALL - LAHORE**

*Branch Offices & Chief Agencies*

**Connaught Circus  
NEW DELHI**

**31-A, Cantt Road  
LUCKNOW**

**Bunder Road  
KARACHI**

**Clive Street  
CALCUTTA**

# *The Lakshmi Insurance* COMPANY LIMITED

*Head Office* —LAHORE

ESTABLISHED - - 1924

## SYNOPSIS OF 1941 RESULTS

Premium Income	.	Rs.	38,34,127
Interest and other Income	„		7,37,235
Total Income	..	„	45,71,362
Addition to Life Fund	..	„	23,79,829
Life Fund	..	„	1,79,02,026
Assets	.	..	1,95,23,010

Expense Ratio in 1941 was 24.69 per cent against 25.77 per cent in 1940 and 31.57 per cent in 1939.

*Keynote of Investment Policy :—*

**Safety First, diversification of  
risks and averaging of yield**

# **The Eastern Federal Union Insurance Company, Limited**

*Head Office*

**9, Clive Street, CALCUTTA**

**PURELY INDIAN CONCERN**

**Offers to its Policy-Holders**

**PEACE & SECURITY**

*To its representatives :*

**A Prospective & Independent Career**

**Wanted Chief Agents, Organisers & Inspectors  
for Life Department on Lucrative terms**

*The Branch Manager,*

**Balkrishen Chopra Buildings,  
THE MALL, LAHORE**

## WORKS ABOUT BENOY SARKAR

- S C Dutt *Conflicting Tendencies in Indian Economic Thought* (Sarkarism in Economics) Pages 234 Rs 5 (Royal)
- N N Chaudhury *Pragmatism and Pioneering in Benoy Sarkar's Sociology and Economics* Pages 152 Rs 3 (Royal)
- S K Ghoshal *Sarkarism* (The Ideas and Ideals of Benoy Sarkar on Man and His Conquests) Pages 60 Re 1 (Royal)

### The Social and Economic Ideas of Benoy Sarkar

Edited by Professor Banesvar Dass with fourteen collaborators

Pages 690 (Royal) Rs 12

*Aryan Path* (Bombay) — "The book is a fitting tribute to one of the foremost living thinkers of India and builders of Bengal. There is no Indian intellectual who has not read one or another of the countless writings of this savant whose knowledge is indeed colossal. His versatility is indeed as amazing as his grasp of facts is intimate."

Professor F Haukins, President, American Sociological Society — "Sarkar represents a fine amalgam of East and West both in his marvellous understanding of the spirit and institutions of European culture and in the all-embracing humanism of his moral and spiritual outlook. He is a fine prototype of what we all hope the world will eventually achieve in the human personality and mutual understanding, the true citizen of the world."

*Mysore Economic Journal* — "This is a remarkable book alike in conception and production. It is at once a tribute to the genius of a great thinker and writer and a nation's homage rendered by friends and admirers at the instance of a great firm of publishers of whom India ought to be proud."

*Ceylon Observer* (Colombo) — "It is possible to trace in all Professor Sarkar's writings and lectures a continuity of thought and a systematic approach to truth."

*Insurance and Finance* (Calcutta) — "Since 1906 Sarkar has been influencing Bengali life and language and it is in the fitness of things that a work like this should have been published. His theories and ideas are marked with interest not only in the land of his birth but also abroad."

**CHUCKERVERTY, CHATTERJEE & Co., Ltd., 15, College Square, Calcutta**



# *The Lakshmi Insurance* COMPANY LIMITED

*Head Office* —LAHORE

ESTABLISHED - - 1924

## SYNOPSIS OF 1941 RESULTS

Premium Income	Rs.	38,34,127
Interest and other Income	„	7,37,235
Total Income	„	45,71,362
Addition to Life Fund	„	23,79,829
Life Fund	„	1,79,02,026
Assets	„	1,95,23,010

Expense Ratio in 1941 was 24.69 per cent against 25.77 per cent in 1940 and 31.57 per cent in 1939.

*Keynote of Investment Policy :—*

**Safety First, diversification of risks and averaging of yield**

# **The Eastern Federal Union Insurance Company, Limited**

*Head Office ·*

**9, Clive Street, CALCUTTA**

**PURELY INDIAN CONCERN**

**Offers to its Policy-Holders**

**PEACE & SECURITY**

*To its representatives :*

**A Prospective & Independent Career**

**Wanted Chief Agents, Organisers & Inspectors  
for Life Department on Lucrative terms**

*The Branch Manager,*

**Balkrishen Chopra Buildings,  
THE MALL, LAHORE**



# **Sunlight Policies**

*offer*

**FULLEST PROTECTION**

*Against Deaths From*

**AERIAL, NAVAL & OTHER ENEMY  
ATTACKS ON CIVIL POPULATION**

**\*\***

**NO EXTRA PREMIUM**

**From Policyholders in A. R. P. Service**

**\*\***

*Insure With*

**SUNLIGHT OF INDIA**

**INSURANCE COMPANY LIMITED.**

*Head Office*

**Sunlight Insurance Building - THE MALL - LAHORE**

*Branch Offices & Chief Agencies*

**Connaught Circus**

**NEW DELHI**

**31-A, Cantt Road**

**LUCKNOW**

**Bunder Road**

**KARACHI**

**Clive Street**

**CALCUTTA**

**OUR  
FIXED DEPOSIT PLAN  
COMBINES  
MAXIMUM SECURITY  
WITH  
HIGHEST RETURN**

A thousand Rupees deposited  
with us to-day will bring you  
Rs. 1,343-14-3 at the end of  
five years.

*For full particulars please write to .—*

**The Punjab Textile Mills,  
Limited  
LAHORE**

# **The Eastern Federal Union Insurance Company, Limited**

*Head Office :*

**9, Clive Street, CALCUTTA**

**PURELY INDIAN CONCERN**

**Offers to its Policy-Holders**

**PEACE & SECURITY**

*To its representatives :*

**A Prospective & Independent Career**

**Wanted Chief Agents, Organisers & Inspectors  
for Life Department on Lucrative terms**

*The Branch Manager,*

**Balkrishen Chopra Buildings,  
THE MALL, LAHORE**

# **The Equations of World-Economy**

**In their Bearings on Post-war Reconstruction**

**By Professor BENOY KUMAR SARKAR**

Topics discussed Comparative Industrialism and Technocracy  
Mechanized Agriculture. Foreign Investments World-Eco-  
nomic Go-aheads, Laggards and Peers Second Industrial  
Revolution Role of Discoveries and Inventions Inflation in  
War-Economy Social Security Autarchism Demobilization  
Communist and Capitalistic Socialism Techno-military Pari-  
ties Economic India Tomorrow Shortcomings of World-  
Planning Schemes Backward Economies Theory of Arthik  
Unnatī (Economic Progress)

**Royal Octavo. Pages 435. Price Rs. 12/-**

**CHUCKERVERTY, CHATTERJEE & CO., LTD.**

**15, COLLEGE SQUARE, CALCUTTA**

# THE INDIAN JOURNAL OF ECONOMICS

Organ of  
The Indian Economic  
Association

Estd  
1916

Issued by  
Economics and Commerce  
Departments  
Allahabad University

This is a *Quarterly Journal* and is devoted to the expression of views on economic and commercial matters by persons holding high academic and authoritative positions. The issues appear in July, October, January and April, the last being the *Conference Number* containing a large number of articles on topics especially scheduled for study and discussion.

The *Journal* is widely read by economists, businessmen, industrialists, politicians and officials and has inland as well as foreign circulation. It is indispensable for keeping abreast of the current thought on economic and commercial matters in this country and is excellent as a medium of advertisement.

The *subscription* is Rs 12 per volume which runs from July to June, and is payable in advance. If the issues are to be supplied under postal registration, an additional sum of Re 1 should also be included to cover the extra postage.

*Old volumes* are available at the following prices

Vol. I to Vol VII	Rs 15 each
Vol VIII to Vol XXIII	Rs 13 each
Conference Numbers	Rs 4 each (plus 12 as for postage)

The following specially reduced *advertisement rates* are temporarily in force

	Per issue	For 4 issues
	Rs a p	Rs a p
Back cover	23 0 0	69 0 0
Inside back cover	15 0 0	45 0 0
Inside pages	12 0 0	36 0 0
Half page	8 0 0	24 0 0
Quarter page	4 8 0	13 8 0

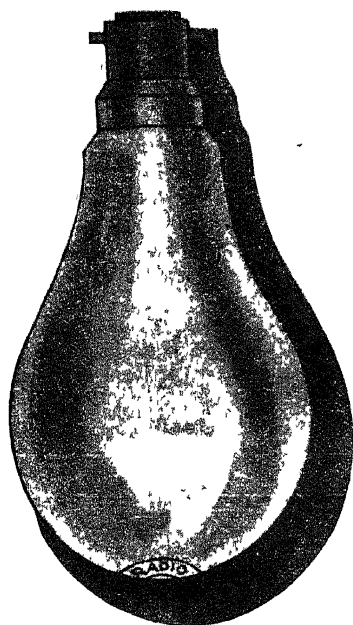
All communications for subscription or advertising space should be addressed to

*The Managing Editor,*  
**INDIAN JOURNAL OF ECONOMICS,**  
University of Allahabad,  
Allahabad (U P) India



# A "KAYCEE" Industrial Enterprise

The Only Bulb Made of  
Indian Components



Lamp that aids the Industry

*Manufactured by —*

**RADIO LAMP WORKS LTD.**

**HEAD OFFICE .**

**WORKS AT .**

**LAHORE**

**KARACHI**

*Branches .*

**Bombay, Calcutta, New Delhi, Madras.**

# Sunlight Policies

*offer*

FULLEST PROTECTION

*Against Deaths From*

AERIAL, NAVAL & OTHER ENEMY  
ATTACKS ON CIVIL POPULATION

NO EXTRA PREMIUM

From Policyholders in A. R. P. Service



*Insure With*

SUNLIGHT OF INDIA

INSURANCE COMPANY LIMITED

*Head Office*

Sunlight Insurance Building • THE MALL • LAHORE

*Branch Offices & Chief Agencies*

Connaught Circus	31-A, Cantt Road	Bunder Road	Clive Street
NEW DELHI	LUCKNOW	KARACHI	CALCUTTA

OUR  
**FIXED DEPOSIT PLAN**  
COMBINES  
**MAXIMUM SECURITY**  
WITH  
**HIGHEST RETURN**

A thousand Rupees deposited  
with us to-day will bring you  
Rs. 1,343-14-3 at the end of  
five years

*For full particulars please write to —*

**The Punjab Textile Mills,**  
**Limited**  
**L A H O R E**

# **The Eastern Federal Union Insurance Company, Ltd.**

*Head Office :*

**9, Clive Street, CALCUTTA**

**PURELY INDIAN CONCERN**

**Offers to its Policy-Holders**

**PEACE & SECURITY**

*To its representatives :*

**A Prospective & Independent Career**

**Wanted Chief Agents, Organisers & Inspectors  
for Life Department on Lucrative terms**

*The Branch Manager,*

**Balkrishen Chopra Buildings,  
THE MALL, LAHORE**

# **The Equations of World-Economy**

## **In their Bearings on Post-war Reconstruction**

By Professor **BENOY KUMAR SARKAR**

Topics discussed Comparative Industrialism and Technocracy  
Mechanized Agriculture Foreign Investments World-Eco-  
nomic Go-aheads, Laggards and Peers Second Industrial  
Revolution Role of Discoveries and Inventions Inflation in  
War-Economy Social Security Autarchism Demobilization  
Communist and Capitalist Socialism Techno-military Poli-  
ties Economic India Tomorrow Shortcomings of World-  
Planning Schemes Backward Economies Theory of Arthik  
Unnati (Economic Progress)

Royal Octavo Pages 435 Price Rs 12/-

**CHUCKERVERTY, CHATTERJEE & CO. LTD**  
15, COLLEGE SQUARE, CALCUTTA

---

*WE UNDERTAKE*

# **ANALYTICAL TEST**

**OF**

# **SAMPLES**

**INCLUDING**

Waters, Dairy Products, Oils and Ghee, Foods, Manures and  
Fertilisers Coals, Minerals, Metals and their Alloys, Crude  
Drugs, Pharmaceutical preparations (Tinctures, Syrup, Tablets  
etc) B P and B P C Products and other fine and heavy Chemi-  
cals Standard solutions of any desired strength supplied

**IN OUR**  
**THOROUGHLY EQUIPPED**

**N. S. B. I. LABORATORIES**

Apply Chief Chemist

National House, The Mall, LAHORE

# The Indian Journal of Political Science

## Political Theory—

SOCIALISM FOR INDIA—*By E Asirvatham*

PROSPECTS OF SOCIALISM IN INDIA—*By B N Banerjee*

SOME ASPECTS OF SOCIAL LIFE IN INDIA AND SOCIALISM IN RELATION  
THERETO—*By Ajit Kumar Sen*

## Political Institutions—

THE GERMAN IMPERIAL CHANCELLOR, 1870—1918—A STUDY IN THE  
EVOLUTION OF REAL EXECUTIVE—*By C S Srinivasachari*

COMPOSITE EXECUTIVES—FOREIGN EXPERIENCE AND INDIAN CONDITIONS  
—*By V K N Menon*

A SUGGESTION FOR WORKABLE EXECUTIVES IN INDIA—*By V S Ram  
and L P Choudhry*

THE REVISION OF DEMOCRACY—*By A Appadorai*

A SCHEME OF CULTURAL AUTONOMY AS A SOLUTION OF THE PROBLEM  
OF MINORITIES IN INDIA—*By Mohammed Asif Kidwai*

PROVINCIAL AUTONOMY UNDER THE GOVERNMENT OF INDIA ACT,  
1935—SOME OBSERVATIONS—*By P N Masaldan*

## Developments in Law, Constitution, and Administration      Periodical Surveys—

THE WORKING OF THE PUNJAB AND NORTH WEST FRONTIER PROVINCE  
JOINT PUBLIC SERVICE COMMISSION—*By Vidya Dhar Mahajan*

THE FEDERAL COURT AND THE LAW OF SEDITION IN INDIA—*By A K  
Mulherjee*

## Review—

TREATIES, ENGAGEMENTS AND SANADS OF INDIAN STATES—A CON-  
TRIBUTION IN INDIAN JURISPRUDENCE (K. R. R. SASTRI)—*By  
Gurmukh Nihal Singh*

**Annual Subscription**

**Rs. 10 or 16s.**

**POST FREE.**

# THE INDIAN JOURNAL OF POLITICAL SCIENCE

The Quarterly Organ of  
The Indian Political Science Association

**Published every January, April, July & October**

EDITOR

BENI PRASAD

EDITORIAL BOARD

D N BANERJEE

B M SHARMA

SRI RAM SHARMA

Orders, Copy for Advertisements, Manuscripts, Books for review & editorial communications, should be addressed to the Managing Editor, **The Indian Journal of Political Science**, Department of Politics, University of Allahabad, (India) The Price per issue is Rs 3 (inland) or 5s (foreign)

## Annual Subscription

Inland Rs 10	} Post free
Foreign 16s	

The Managing Editor will not undertake to return unsolicited Manuscripts unless accompanied by stamped addressed envelopes or in case of correspondents abroad, International Reply Coupons

AN IMPORTANT OFFER  
**The Indian Journal of Political Science**

( Issued Quarterly )

VOLUMES I, II, III & IV

*July, 1939 to June, 1943*

**READY FOR SALE**

AT

INLAND	Rs. 10 only (Each Vol.)	} Post Free
FOREIGN	16 Shillings Do.	

*Can be had from —*

THE MANAGING EDITOR,

**INDIAN JOURNAL OF POLITICAL SCIENCE,**

**Politics Department,**

**UNIVERSITY OF ALLAHABAD.**

---

**RATES OF ADVERTISEMENT**

in the

**Indian Journal of Political Science**

**(ISSUED QUARTERLY)**

	Per issue	For four issues.
Back cover	... Rs. 35	... Rs. 100
Inside back cover	... Rs. 25	.. Rs. 75
Inside pages	... Rs. 20	... Rs. 65
Half-page	... Rs. 15	... Rs. 40

**ALL APPLICATIONS FOR ADVERTISING SPACE**

**Should be Addressed to—**

**BENI PRASAD,**

*Managing Editor,*

**INDIAN JOURNAL OF POLITICAL SCIENCE,**

**Department of Politics,**

**UNIVERSITY OF ALLAHABAD**



# THE NEW BANK OF INDIA LIMITED

**H. O. LAHORE**

Authorised Capital                      Rs. 10 Lacs

Subscribed Capital Exceeds Rs. 9 Lacs

Paid-up Capital Exceeds      Rs. 5½ Lacs

Working Capital Exceeds      Rs. 1 Crore

*Branches :—*

**Jullundur City, Rawalpindi City,  
Ludhiana, Multan City and Gujrat**

*Branches shortly opening :—*

**Amritsar, Delhi, Gujranwala**

Deposits are received for 6 months, 12 months  
at 3¼% and 3¾% p. a. respectively

**M. R. KOHLI,**  
M.A., F.I.B. (Lond.),  
Managing Director.

# The Indian Journal of Political Science

## Political Theory—

ST. AUGUSTINE AND HIS PREDECESSORS—*By S V Puntambekar*

DEMOCRATIC THEORY IN ITS APPLICATION TO INDIAN POLITICS—*By  
Benoyendra Nath Banerjee*

## Political Institutions—

THE PROBLEM OF RESPONSIBLE GOVERNMENT IN THE STATES—*By  
Indra Datt Sharma*

## International Affairs —

WORLD POLITICS AND POST-WAR ECONOMIC PLANNING—*By Benoy  
Kumar Sarkar*

COLONIES AND BACKWARD PEOPLES—*By K A N Sastri*

## Review —

'MAURYAN POLITY'—(V R RAMCHANDRA DIKSHITAR)—*By V K  
Bhandarkar*

## NOTICE

## Annual Subscription

Rs. 10 or 16s.

POST FREE.

# THE INDIAN JOURNAL OF POLITICAL SCIENCE

The Quarterly Organ of  
The Indian Political Science Association

**Published every January, April, July & October**

EDITOR

BENI PRASAD

EDITORIAL BOARD

D. N. BANERJEE

B. M. SHARMA

SRI RAM SHARMA

Orders, Copy for Advertisements, Manuscripts, Books for review & editorial communications, should be addressed to the Managing Editor, **The Indian Journal of Political Science**, Department of Politics, University of Allahabad, (India) The Price per issue is Rs 3 (inland) or 5s (foreign).

## Annual Subscription

Inland Rs. 10	} Post free
Foreign 16s.	

The Managing Editor will not undertake to return unsolicited Manuscripts unless accompanied by stamped addressed envelopes or in case of correspondents abroad, International Reply Coupons.

AN IMPORTANT OFFER  
**The Indian Journal of Political Science**  
( Issued Quarterly )

VOLUMES I, II, III & IV

*July, 1939 to June, 1943*

**READY FOR SALE**  
**AT**

INLAND     /   Rs. 10 only (Each Vol.) } Post Free  
FOREIGN   /   16 Shillings   Do.     }

*Can be had from :—*

THE MANAGING EDITOR,

**INDIAN JOURNAL OF POLITICAL SCIENCE,**

Politics Department,

UNIVERSITY OF ALLAHABAD.

---

**RATES OF ADVERTISEMENT**  
in the

**Indian Journal of Political Science**  
( ISSUED QUARTERLY )

	Per issue	For four issues.
Back cover	... Rs. 35	... Rs. 100
Inside back cover	... Rs. 25	... Rs. 75
Inside pages	... Rs. 20	... Rs. 65
Half-page	... Rs. 15	... Rs. 40

ALL APPLICATIONS FOR ADVERTISING SPACE

Should be Addressed to—

**BENI PRASAD,**

*Managing Editor,*

**INDIAN JOURNAL OF POLITICAL SCIENCE,**

Department of Politics,

UNIVERSITY OF ALLAHABAD

Printed by K. Mitra, at The Indian Press, Ltd., Allahabad.  
Published by the Managing Editor, Indian Journal of Political Science

# THE NEW BANK OF INDIA LIMITED

**H. O. LAHORE**

Authorised Capital                      Rs. 10 Lacs

Subscribed Capital Exceeds Rs. 9 Lacs

Paid-up Capital Exceeds      Rs.  $5\frac{1}{2}$  Lacs

Working Capital Exceeds      Rs. 1 Crore

*Branches :—*

**Jullundur City, Rawalpindi City,  
Ludhiana, Multan City and Gujrat**

*Branches shortly opening :—*

**Amritsar, Delhi, Gujranwala**

Deposits are received for 6 months, 12 months  
at  $3\frac{1}{4}\%$  and  $3\frac{3}{4}\%$  p. a. respectively

**M. R. KOHLI,**  
M.A., F.I.B. (Lond.),  
*Managing Director*

# The Indian Journal of Political Science

## Political Theory—

DIALECTICAL MATERIALISM—*By Bool Chand*

## Political Institutions—

PUBLIC AND BUSINESS ADMINISTRATION—*By E Asirvatham*

## International Affairs'—

JURIDICAL BASIS OF INTER-STATE RELATIONS—*By T K Shahan*

## Reviews —

WAR AND PEACE IN THE PACIFIC (INSTITUTE OF PACIFIC RELATIONS)  
—*By V S Ram*

EARLY ADMINISTRATIVE SYSTEM OF THE EAST INDIA COMPANY (D N.  
BANERJI)—*By Bool Chand*

MAHMUD GAWAN (H K SHERWANI)—*By B P Saksena*

A NEW SOCIAL ORDER (E ASIRVATHAM)—*By S V Kogekar*

GEOGRAPHICAL FACTORS IN ARABIAN LIFE AND HISTORY (INAYAT  
ULLAH)—*By M H Rahman.*

A NOTE

Annual Subscription

Rs. 10 or 16s.

POST FREE.

# THE INDIAN JOURNAL OF POLITICAL SCIENCE

The Quarterly Organ of  
The Indian Political Science Association

**Published every January, April, July & October**

EDITOR

BENI PRASAD

EDITORIAL BOARD

D. N. BANERJEE

B. M. SHARMA

SRI RAM SHARMA

Orders, Copy for Advertisements, Manuscripts, Books for review & editorial communications, should be addressed to the Managing Editor, **The Indian Journal of Political Science**, Department of Politics, University of Allahabad, (India) The Price per issue is Rs 3 (inland) or 5s (foreign)

## Annual Subscription

Inland Rs. 10	} Post free
Foreign 16s	

The Managing Editor will not undertake to return unsolicited Manuscripts unless accompanied by stamped addressed envelopes or in case of correspondents abroad, International Reply Coupons.